By Mr. KNOWLAND: Petition of the Humboldt Chamber of Commerce, of Eureka, Cal., for suitable housing of our diplomats abroad; to the Committee on Foreign Affairs.

Also, resolutions adopted by the Los Angeles Chamber of Commerce, Los Angeles, Cal., urging the passage of House bill 6862, for permanent consular improvement and commercial enlargement; to the Committee on Foreign Affairs.

Also, resolutions passed by the Chamber of Commerce of Los Angeles, Cal., urging the opening of the coal lands in Alaska for public use; to the Committee on the Territories.

By Mr. LAFEAN: Petition of Jacob Jones Council, Junior Order United American Mechanics, of Dover; Washington Camps Nos. 443, 778, 433, and 328, Patriotic Order Sons of America, of Davidsburg, Newberrytown, La Bott, and Hanover, all in the State of Pennsylvania, for House bill 15413, providing for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LANGLEY: Petition of citizens of tenth Kentucky congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LOWDEN: Petition of First Presbyterian Church of Kings, State of Illinois, for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McCREDIE: Memorial of the Washington Educational Association, of Tacoma, Wash., favoring an appropriation of $75,000 for special lines of industrial education; to the Committee on Education.

Also, memorials of Tacoma Chamber of Commerce and the Rotary Club, of Tacoma, Wash., favoring an appropriation of $50,000 for the improvement and protection of the Rainier National Park; to the Committee on the Public Lands.

Also, petition of Washington Camp, No. 1, Patriotic Order Sons of America, Tacoma, Wash., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, memorial of house and senate of Washington, against any Federal supervision of fisheries within limits of the State; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of house and senate of Washington, for Senate bill 9476, providing for a soldiers' pension of not less than $50 per month for blindness; to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of Methodist Episcopal Church of Hillsdale and Lima, Ill., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of Charles Stranahan and other citizens of Michigan, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Memorial of the Legislature of California, favoring Senate joint resolution No. 9; to the Committee on Irrigation of Arid Lands.

Also, petition of Los Angeles Chamber of Commerce, relative to opening Alaska coal fields; to the Committee on the Territories.

Also, petition of Los Angeles Chamber of Commerce, favoring the Cullom-Sterling consular bill (S. 1053 and H. R. 6862); to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Petition of Local 105, Pride of the Valley, Junior Order United American Mechanics, New Kensington, Pa., for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HENRY W. PALMER: Petition of Washington Camp No. 259, Patriotic Order Sons of America, of Drifton, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Bert Millard and 52 others, of Luzerne County, Pa., for battleship construction in a Government navy yard; to the Committee on Naval Affairs.

By Mr. A. MITCHELL PALMER: Petitions of Washington Camp No. 498; Wykoff Commandery, No. 39; and Washington Camp, Patriotic Order Sons of America, of Pen Argyl, Easton, and Audenried, all in the State of Pennsylvania; and Ackermanville Council, Saxton Council, No. 591; Annette Council, No. 732; and Local Council No. 973, Junior Order United American Mechanics, of Saxton, Philipsburg, and Penns Park, all in the State of Pennsylvania, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. PUJO: Petition of Nicholas Bros., Merryville, and J. J. Kinguey, Kinder, La., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Arthur Perry and five other citizens of Rhode Island, of the Society of Friends, against fortifying the Panama Canal; to the Committee on Railways and Canals.

Also, paper to accompany bill for relief of Betsey A. Streeter and Sophie M. Kinnicutt; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of C. R. Halleck, of Brent Creek, Mich., against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Petition of railway mail clerks of the Northwest, relative to increase of compensation and investigation of conditions and other matters; to the Committee on the Post Office and Post Roads.

By Mr. STURGISS: Petition of the Potomac Valley Council, of Bernie, W. Va., for restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolutions of Local Union No. 897, Brotherhood of Carpenters and Joiners of America, located at Norristown, Pa., in behalf of the bill (H. R. 15413) to amend the immigration act; to the Committee on Immigration and Naturalization.

Also, resolution of Branch No. 10, Glass Bottle Blowers' Association of the United States and Canada, of Royersford, Pa., in behalf of House bill 29886; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petition of Washington Camps Nos. 1, 12, and 7, Patriotic Order Sons of America, of Lambertville, Milford, and Trenton, all in the State of New Jersey, for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *February 8, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;

S. 1318. An act for the relief of Arthur H. Barnes;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 3097. An act for the relief of Douglas C. McDougal;

S. 3494. An act for the relief of Edward Forbes Greene;

S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson;

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 5873. An act for the relief of John M. Blankenship;

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 8353. An act for the relief of S. S. Somerville;

S. 8583. An act for the relief of Malcolm Gillis;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River, in Dale County, Ala.;"

S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

LADING AND ENTRY OF VESSELS, ETC.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6011) to

provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes, which was, on page 5, line 18, after "provided," to insert "the said extra compensation to be paid by the master, owner, agent, or consignee of such vessels."

Mr. FRYE. I move that the Senate concur in the House amendment.

The motion was agreed to.

THOMAS HOYNE.

The joint resolution (H. J. Res. 209) for the relief of Thomas Hoyne was read the first time by its title.

Mr. JONES. That is a short measure and one similar to it has been reported by the Senate committee and is now on the calendar. I ask unanimous consent that it may be put on its passage.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the Secretary of the Treasury of the United States be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Thomas Hoyne, in full satisfaction of his claim for damages by destruction of his property by Indians, July 6, 1867.

Mr. HEYBURN. There is no law under which we can authorize the Secretary of the Treasury to pay money out of the Treasury of the United States. It is the Treasurer who pays out the money. I think there has been an inadvertence, and the joint resolution had better be amended.

Mr. JONES. What is the point made by the Senator from Idaho?

Mr. HEYBURN. We do not authorize the Secretary of the Treasury to pay money. That is not within the limit of his functions. It is the Treasurer who pays the money. The Secretary authorizes it, but the Treasurer pays. He merely advises it.

Mr. JONES. I ask that the joint resolution may lie on the table for the present.

The VICE PRESIDENT. Without objection, the joint resolution will lie on the table.

Mr. JONES subsequently said: I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 209) for the relief of Thomas Hoyne, which has just come from the other House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. JONES. I offer the amendment to the joint resolution which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In line 3, after the word "That," it is proposed to strike out "the Secretary of the Treasury of the United States be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated," and after the word "dollars," in line 6, to insert "is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay."

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. KEAN. Let the joint resolution be read as it will stand if amended.

The VICE PRESIDENT. The joint resolution will be read as proposed to be amended.

The Secretary read as follows:

Resolved, etc., That the sum of $3,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay to Thomas Hoyne in full satisfaction of his claim for damages by the destruction of his property by Indians July 6, 1867.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. The bill (S. 10526) for the relief of Thomas Hoyne will be indefinitely postponed.

ST. JOHN RIVER BRIDGE, ME.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9552) to authorize the construction of a bridge across St. John River, Me., which was, on page 1, to strike out line 3, down to and including line 3, page 2, and insert:

That the consent of Congress is hereby given to the construction, maintenance, and operation by the State of Maine and the Dominion of Canada, jointly, of a bridge now in course of erection across St. John River between Van Buren, Me., and St. Leonards, New Brunswick, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, said bridge to be used only as a common highway for passengers and common vehicles, and in no case used for steam, electric, or other railways.

Mr. FRYE. I move that the Senate concur in the House amendment.

The motion was agreed to.

MONUMENT TO ABRAHAM LINCOLN.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9449) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, which were, on page 1, line 3, after "WILLIAM H. TAFT," to insert "SHELBY M. CULLOM, JOSEPH G. CANNON;" on page 1, line 10, to strike out "their" and insert "its;" on page 1, line 12, to strike out "they" and insert "it;" on page 1, line 13, to strike out "themselves and insert "and itself;" on page 2 to strike out all of section 5 and insert:

SEC. 5. That to defray the necessary expenses of the commission herein created and the cost of procuring plans or designs for a memorial or monument, as herein provided, there is hereby appropriated the sum of $50,000, to be immediately available.

Mr. LODGE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SENATOR FROM MINNESOTA.

Mr. NELSON presented the credentials of MOSES E. CLAPP, chosen by the Legislature of the State of Minnesota a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 10221) authorizing the Secretary of Commerce and Labor to exchange the site for the immigration station at the port of Boston.

The message also announced that the House had passed, with amendments, the following bills, in which it requested the concurrence of the Senate:

S. 3315. An act amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898;

S. 5379. An act for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina;

S. 6953. An act authorizing contracts for the disposition of waters of projects under reclamation acts, and for other purposes;

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln; and

S. 9566. An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve.

The message further announced that the House had passed the following bills and joint resolution:

H. R. 9137. An act to authorize the expenditure of the sum of $25,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America;

H. R. 24746. An act to extend the extradition laws of the United States to China;

H. R. 24885. An act to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins;

H. R. 24886. An act to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage;

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes;

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporaion existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.;

H. R. 31656. An act extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;"

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation;

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths;

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest;

H. R. 32473. An act for the relief of the sufferers from famine in China; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 6011. An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes;

S. 6702. An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands;

S. 10221. An act authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston; and

S. J. Res. 133. Joint resolution providing for the filling of a vacancy which occurred on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

WASHINGTON GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate the annual report of the Washington Gas Light Co., of the District of Columbia, for the fiscal year ended December 31, 1910 (H. Doc. No. 1363), which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the Twenty-sixth Legislative Assembly of the State of Oregon, respectfully represent:

Whereas Congress at its last session appropriated the sum of $10,000 for a site for the purpose of erecting and constructing thereon a Federal building for the city of Roseburg, Oreg., to relieve the congested condition of the Federal offices of said city, to wit: The United States Land Office, the United States Post Office, the United States Weather Observatory, also the United States District Forestry Bureau; and

Whereas said offices now occupy separate buildings with a floor space at a great rental expense to the Federal Government; and

Whereas the Government has advertised for and has now practically selected and purchased said site for said Federal building: Now therefore

Your memorialists do earnestly pray the Congress of these United States (at this session) do appropriate the sum of $250,000 for the purpose of constructing such building of such a capacity to relieve said congested condition. And that a copy of this memorial be forwarded to the Senate and House of the United States in Congress assembled, and a copy thereof to each of the Oregon Representatives therein.

Adopted by the house January 19, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 2, with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BROWN. I present a telegram in the nature of a petition from the Legislature of the State of Nebraska, which I ask may be read and referred to the Committee on Pensions.

There being no objection, the telegram was read and referred to the Committee on Pensions, as follows:

LINCOLN, NEBR., *February 7, 1911.*

Senator NORRIS BROWN,
Washington, D. C.:

I am instructed to transmit the following resolution passed to-day by the Nebraska house of representatives, letter follows:

"Be it resolved by this Nebraska house of representatives, That we contemplate with satisfaction and approval the action taken by the House of Representatives of Congress of the United States upon a measure therein pending, known as the Sulloway bill, providing for service pensions for surviving Civil War veterans, and we do hereby memorialize and petition the Senate of the United States to concur in the action of the House of Representatives in this behalf."

HENRY C. RICHMOND, *Chief Clerk.*

Mr. BRIGGS presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Literary Club, of Bound Brook; the Children's Aid and Protective Society of the Oranges; and of Mrs. Grace Nicoll, of Morristown, all in the State of New Jersey, praying for the passage of the so-called children's bureau bill, which were ordered to lie on the table.

He also presented petitions of J. M. Tucker Post, No. 65, of Newark; Zabriskie Post, No. 38, of Jersey City; Hexamer Post, No. 34, of Newark; Sheridan Post, No. 110, of Newark, all of the Grand Army of the Republic, Department of New Jersey; and of Rev. W. W. Case, pastor of the Olivet Baptist Church, of Trenton, all in the State of New Jersey, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented the petition of C. J. Baxter, State superintendent, department of public instruction of New Jersey, and the petition of Dr. Ebenezer Mackey, supervising principal, board of education of Trenton, N. J., praying that an appropriation be made for the extension of the field work of the Bureau of Education, which were referred to the Committee on Education and Labor.

He also presented petitions of Zucker, Steiner & Co., of Newark; Elias & Samuels, of Long Branch; and the Wholesale Liquor Dealers' Association of Jersey City, all in the State of New Jersey, praying for the enactment of legislation providing an allowance for loss of distilled spirits deposited in internal-revenue warehouses, which were referred to the Committee on Finance.

He also presented petitions of Washington Camp No. 6, of Trenton; Camp No. 28, of Asbury Park; Camp No. 111, of Asbury Park; Camp No. 1, of Lambertville; Camp No. 64, of Phillipsburg; Camp No. 139, of Columbus; Camp No. 7, of Trenton; Camp No. 85, of Red Bank; Camp No. 78, of Elizabeth; Camp No. 29, of Merchantville; Camp No. 20, of Trenton; Camp No. 35, of Delanco, of the Patriotic Order Sons of America; and of Local Union No. 542, United Brotherhood of Carpenters and Joiners, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CRAWFORD. I present a joint resolution of the Legislature of the State of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

A joint resolution and memorial requesting the Congress of the United States to enlarge the military reservation of Fort Meade, S. Dak., and to construct permanent buildings for the accommodation of a full regiment of cavalry.

Be it resolved by the senate of the State of South Dakota (the house of representatives concurring):

Whereas Fort Meade is centrally located with reference to all the Indian reservations in North and South Dakota, Montana, and Wyoming, upon which reservations there are many thousand Indians; and

Whereas the lines of railroad now in operation and in process of construction will offer transportation facilities over four lines in four different directions, forming a basis for military movements enabling troops to quickly reach any point of trouble from any cause; and

Whereas the hospital records of Fort Meade, as given by the report of the Surgeon General of the United States Army, show that the pure, malaria-free, bracing climate renders Fort Meade the healthiest post garrisoned in America; and

Whereas Fort Meade has a large timber reservation within the Black Hills Forest Reserve upon which there is pine timber and an abundant supply of pure mountain spring water, and also a military reservation 2 miles by 6 miles, which in order to accommodate a full regiment of cavalry requires the purchase of land 2 miles in addition on the north and 2 miles in addition on the east in order to have sufficient drill, target, and maneuver grounds, and obtain Bear Butte Mountain as a target butt, thus furnishing for the garrison and other troops which may from time to time be assembled for maneuvers, including the State militia, the level and rolling prairies, open and wooded streams of water, bluffs and brakes, bare hills and timbered mountains, and all varieties of country for maneuvers; and

Whereas it appears to be the policy of the War Department to concentrate troops so far as possible in complete organizations, it would appear to be economy to provide for a full regiment of cavalry at Fort Meade, inasmuch as more than $1,000,000 has been spent at that post in the last 10 years in permanent improvements in the way of stone, brick, and concrete officers' quarters, barracks, hospital, commissary and quartermaster's storehouses, powder magazine, bakery, firehouse, water and sewerage systems, band barrack and administration building, stables, concrete and macadamized roads, etc., all of the public buildings being sufficiently large to accommodate a full regiment: Therefore be it

Resolved, That we favor and earnestly urge the Congress of the United States, either by direct appropriation or by allotment by the Quartermaster General, to provide the sum of $250,000 for the purchase of lands above referred to, viz, lands lying 2 miles north and 2 miles east of the present military reservation of Fort Meade, S. Dak., for the purpose of enlarging the reservation to a sufficient size to accommodate a full regiment of Cavalry.

Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

—

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE, SECRETARY'S OFFICE.

I, Samuel C. Polley, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 11, as passed by the legislature of 1911, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota.

Done at the city of Pierre this 4th day of February, 1911.

[SEAL.] SAMUEL C. POLLEY,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Mr. SHIVELY presented petitions of Jay Council, No. 31, of Portland; Lincoln Council, No. 56, of Terre Haute; and of Lyford Council, No. 70, of Clinton, Junior Order United American Mechanics; and of the Trades and Labor Council of Kokomo, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Browand Post, No. 505, Grand Army of the Republic, Department of Indiana, of Kendallville, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Local Lodge No. 1899, United Brotherhoood of Carpenters and Joiners of America, of Hobart; of Local Lodge No. 599, United Brotherhood of Carpenters and Joiners of America, of Hammond; and of the Trades Assembly of Logansport, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the joint memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

House joint memorial 10.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the senate and house of representatives of the State of Washington, feeling grateful for the services rendered our country by our soldiers and sailors bravely and heroically risking their lives in the defense and preservation of this country and realizing that those who took part in the War with Mexico and in the Civil War are reaching that time in life when they should especially receive our tender solicitude and care—

We therefore urge upon you the passage of what is known as Senate bill 9476, providing for a pension of not less than $50 per month to any soldier or sailor of the Mexican War or the Civil War, who is now or may hereafter become totally blind, or some such similar bill to Senate bill 9476, granting such relief; and

We would further urge that the proposed act be amended so that "totally blind" should be defined as including "blindness depriving a person of any practical usefulness of his eyes and beyond any aid of optical assistance." Be it

Resolved, That a copy of this resolution be forthwith transmitted to the Secretary of the Senate of the United States and to the Clerk of the House of Representatives of the United States and a copy to Senator PENROSE, of the Senate of the United States, and a copy each to Senators and Representatives in Congress of the State of Washington.

Passed the house January 24, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 30, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. JONES. I present a joint memorial of the Legislature of Washington, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the memorial was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the senate and house of representatives of the State of Washington, respectfully petition that—

Whereas during the year ending June 30, 1910, Government statistics show that more than 1,000,000 aliens landed in the United States, of which number more than 600,000 came from southern and eastern Europe and western Asia, the most undesirable emigrants known; and

Whereas the effect of this alien deluge is to depress the wages and destroy the employment of thousands of American workingmen: Therefore be it

Resolved by the house and senate of the State of Washington, That the Congress of the United States be requested to pass such restrictive legislation as will put a stop to this enormous influx of the most undesirable foreigners whose presence tends to destroy American standards of living; and be it further

Resolved, That a copy of this resolution be forthwith transmitted to each Senator and Congressman from the State of Washington for their use in endeavoring to secure the passage of such restrictive legislation.

Passed the house January 19, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 24, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. DICK. I present a telegram from the chairman of the executive committee of the Ohio State Grange, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

COLUMBUS, OHIO, *February 7, 1911.*

Hon. CHARLES DICK,
United States Senate, Washington, D. C.:

The Ohio State Grange stands opposed to any reciprocal relations that fail to protect the agricultural equal with other interests. Therefore we are opposed to the Canadian reciprocity treaty as now proposed.

L. G. SPENCER,
Chairman.
EUGENE F. CRANSE,
Secretary of Executive Committee Ohio State Grange.

Mr. BULKELEY. I present a telegram from the master of the Connecticut State Grange, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WILLIMANTIC, CONN., *February 6, 1911.*

Hon. MORGAN G. BULKELEY,
Capitol, Washington, D. C.:

Fourteen hundred grangers in Connecticut protest against the so-called Canadian reciprocity treaty. We, as farmers, do not want to be discriminated against. Our motto, "Protect the American farmer or protect no one."

L. H. HEALEY,
Master, Connecticut State Grange.

Mr. BURKETT. I present a telegram from the Legislature of the State of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the telegram was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

LINCOLN, NEBR., *February 7.*

Senator ELMER J. BURKETT,
Washington, D. C.:

I am instructed to transmit the following resolution passed to-day by the Nebraska house of representatives. Letter follows:

"*Be it resolved by this Nebraska house of representatives*, That we contemplate with satisfaction and approval the action taken by the House of Representatives of Congress of the United States upon a measure therein pending, known as the Sulloway bill, providing for service pensions for surviving Civil War veterans, and we do hereby memorialize and petition the Senate of the United States to concur in the action of the House of Representatives in this behalf."

HENRY C. RICHMOND, *Chief Clerk.*

Mr. BURKETT. I present a telegram from the secretary of the State Senate of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the telegram was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

LINCOLN, NEBR., *February 8, 1911.*

Hon ELMER J. BURKETT,
United States Senate, Washington, D. C.:

Following resolution unanimously adopted by Nebraska state senate to-day, and by its direction transmitted to you to be presented to Senate of United States:

"*Resolved by this senate*, That we contemplate with satisfaction and approval the action taken by the House of Representatives of Congress of the United States upon a measure therein pending known as the Sulloway bill, providing for service pensions for surviving Civil War veterans, and we do hereby memorialize and petition the Senate of the United States to concur in the action of the House in this behalf."

WILLIAM H. SMITH,
Secretary State Senate.

Mr. PILES presented a joint memorial of the Legislature of the State of Washington, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

House joint memorial 10.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the senate and house of representatives of the State of Washington, feeling grateful for the services rendered our country by our soldiers and sailors bravely and heroically risking their lives in the defense and preservation of this country, and realizing that those who took part in the war with Mexico and in the Civil War are reaching that time in life when they should especially receive our tender solicitude and care;

We therefore urge upon you the passage of what is known as Senate bill 9476, providing for a pension of not less than $50 per month to any soldier or sailor of the Mexican War or the Civil War who is now or may hereafter become totally blind, or some such similar bill to Senate bill 9476, granting such relief; and

We would further urge that the proposed act be amended so that "totally blind" should be defined as including "blindness depriving a person of any practical usefulness of his eyes and beyond any aid of optical assistance. "Be it

Resolved, That a copy of this resolution be forthwith transmitted to the Secretary of the Senate of the United States and to the Clerk of the House of Representatives of the United States, and a copy to Senator PENROSE, of the Senate of the United States, and a copy each to Senators and Representatives in Congress of the State of Washington.

Passed the house January 24, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 30, 1911.

W. H. PAULHAMUS,
Speaker of the Senate.

Mr. PILES. I present a joint resolution adopted by the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the joint resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

House joint resolution 2.

Be it resolved by the house (the senate concurring), That the people of the State of Washington, through their legislature now assembled, most emphatically and earnestly protest against the Federal Government of the United States assuming or attempting to assume the jurisdiction and control of any of the fisheries within the territorial limits of the State of Washington, and we particularly protest against the joint control of any part of said fisheries by the United States Federal Government and the Dominion of Canada, as proposed by a treaty convention between the United States and Great Britain, signed at Washington on April 11, 1908.

The State of Washington hereby reaffirms its title to all the public fisheries within its territorial limits, and insists that it has the exclusive right, by virtue of its sovereignty, to keep, control, and regulate all the fisheries within its borders without Federal interference.

Be it resolved further, That a copy of this resolution be forthwith transmitted to the United States Senators and Representatives from the State of Washington, and that they be hereby requested to use all honorable means within their power to prevent any action of the Congress tending to ratify or make said treaty effective.

Passed the house January 19, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 26, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. BOURNE. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, most respectfully represent that—

Whereas the withdrawal of over 16,000,000 acres of land in the State of Oregon for forest conservation constitutes a serious obstacle to the settlement and development of this State and deprives the State and several counties thereof of vast tracts of taxable lands; and

Whereas these resources are being conserved for the benefit of the people of the whole of the United States; it is therefore inequitable to place the burden of providing these resources so largely upon the people of this State: Therefore, be it

Resolved, That we petition the honorable Congress of the United States to so amend the law under which the national forests are maintained as to give to this State at least 50 per cent of all moneys derived from the lease, use, or sale of any of the resources contained within these national forests.

Adopted by the senate January 27, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house January 31, 1911.

JOHN P. RUSK, *Speaker of the House.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of Senate joint memorial No. 2 with the original thereof, which was adopted by the senate January 27, 1911, and adopted by the house January 31, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 2d day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

To the honorable, the senate and house of representatives of the State of Idaho:

Would respectfully represent and make known that the development of irrigation has been very rapid in the West, there having been millions of acres added to our irrigation area during the last few years;

That the settlement on these new lands has been almost wholly by people from the East, who have practically no knowledge of irrigation; that irrigation farming is an intricate science which requires considerable study; that the interests of the millions of farmers in the irrigated portion of the West, and of the West wholly, demand that these settlers learn irrigation farming in the shortest possible time.

Wherefore your memorialists urgently petition that the Government of the United States provide more liberally for education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture, and, that at some place centrally located in the irrigation belt, a permanent institute be established at which instruction in the subject of irrigation and allied subjects be made a specialty, and that said subjects be there taught to all those who desire instruction therein.

This memorial passed the house of representatives on the 30th day of January, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This memorial passed the senate on the 30th day of January, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 4 originated in the House of Representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of House joint memorial No. 4, by Nihart, providing for a more liberal education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture (passed the house January 30, 1911; passed the senate January 30, 1911), which was filed in this office the 2d day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 2d day of February, A. D. 1911.

[SEAL.] W. L. GIFFORD, *Secretary of State.*

Mr. DEPEW presented petitions of the Chamber of Commerce, the Mercantile Exchange, the Retail Merchants' Association of the Chamber of Commerce, and Manufacturers' Club of Buffalo, the Corn Exchange of Buffalo, and of sundry citizens of Cedarhurst, New York City, Buffalo, Long Island, and Lockport, all in the State of New York, praying for the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Central Labor Union of Brooklyn, N. Y., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented memorials of the United Irish-American Societies of Brooklyn and Long Island, and of the Wolfe Tone Club of Brooklyn, all in the State of New York, remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of the Chamber of Commerce of Watertown; the Board of Trade of Carthage; the American Paper and Pulp Association, of New York; of Local Grange No. 583, Patrons of Husbandry, of Central Square; of the Empire State Forest Products' Association, of Watertown; and of sundry citizens of Lawrenceville, Niagara Falls, New York City, and Carthage, all in the State of New York, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of O'Brian Post, No. 65; Holt Post, No. 403; Horsfall Post, No. 90; Walter A. Wood Post, No. 294; Horace E. Howard Post, No. 267; James M. Brown Post, No. 285, Department of New York, Grand Army of the Republic, all in the State of New York, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of Local Typographical Union No. 52, of Troy, N. Y., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of St. Ann's Branch, No. 24, Catholic Mutual Benefit Association, of Buffalo, N. Y., remonstrating against any appropriation being made for the extension of the field work of the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented petitions of Local No. 125, of Utica; Local No. 1715, of New York City; Local No. 8079, of Mineville; Local No. 754, of Fulton, United Brotherhood of Carpenters and Joiners of America; the Central Labor Union of Brooklyn; the Central Labor Union of Amsterdam; General Wayne Council, No. 48; Excelsior Council, No. 108; Brooklyn Council, No. 21; Highland Council, No. 5; Rifton Council, No. 36; and America Council, No. 67, Junior Order United American Mechanics, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Business Men's Association of Auburn, N. Y., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of T. D. Welch Division, No. 641, Brotherhood of Locomotive Engineers, of Hornell, N. Y., and a petition of Local Lodge No. 827, Brotherhood of Railroad Trainmen, of Poughkeepsie, N. Y., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented petitions of Washington Camp No. 27, Patriotic Order Sons of America, of New Creek; of Local Council No. 185, of Wise; of Local Council No. 144, of Arnoldsburg; and of Local Council No. 62, of Junior, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN presented the memorial of C. W. Norquist, manager of the Norquist Department Store, of Coeur d'Alene, Idaho, and a memorial of the Idaho Mercantile Co., of Coeur d'Alene, Idaho, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 1116, Carpenters and Joiners of America, of Twin Falls, Idaho, praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of 25 citizens of the United States, praying that an investigation be made into the affairs of all wireless telegraph companies doing business in the United States, which was referred to the Committee on Naval Affairs.

Mr. FLINT presented a resolution adopted by the Legislature of California, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
Sacramento, Cal., January 30, 1911.

Hon. FRANK P. FLINT,
United States Senator, Senate Chamber, Washington, D. C.

MY DEAR SIR: I have been instructed by the Legislature of the State of California to transmit to you the following copy of senate joint resolution No. 9, passed on the 24th day of January, 1911:

"Senate joint resolution 9.

"Whereas it appears that California's contributions to the reclamation funds have been very great, and that the State is entitled to a large share of the regular reclamation funds, as provided by the reclamation act; and

"Whereas the Klamath project is among the most worthy in the United States, and its early completion is desirable both to the sections to be developed through its construction and to the United States, to secure the earliest possible return of the construction funds for use elsewhere; and

"Whereas it appears that the unconstructed portions of the Klamath project are to be equally divided between the States of California and Oregon: Therefore be it

"*Resolved*, That our Senators and Representatives in Congress be, and they are hereby, memorialized to use their earnest efforts to secure funds sufficient for the continuous construction of all approved units of the Klamath project, and that they endeavor to secure the cooperation of the Senators and Representatives from Oregon in securing the completion of the Klamath project without unnecessary delay or the elimination of any of its important details, since both States are equally interested in its construction. The secretary of state is hereby instructed to transmit without delay a copy of this memorial to each of the Senators and Representatives of the State of California in Congress."

Respectfully, yours,

FRANK C. JORDAN, *Secretary of State.*

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to increase the efficiency of the consular service, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of the mining committee of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the leasing of coal and coal lands in the Territory of Alaska, which was ordered to lie on the table.

Mr. WATSON presented a petition of Custer Post, No. 8, Grand Army of the Republic, Department of West Virginia, of Clarksburg, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Washington Camps No. 32, of Capon Bridge; No. 22, of Berkeley; and No. 27, of New Creek, Patriotic Order Sons of America; of Local Council, of Berkeley Springs; of Local Council No. 62, of Junior; and of Local Council, of Arnoldsburg, Junior Order United American Mechanics, all in the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BULKELEY presented petitions of Chamberlain Council, No. 2, of New Britain, and of Ben Miller Council, No. 11, of Danbury, Junior Order United American Mechanics, in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WETMORE presented a memorial of the Rhode Island Society of Friends, remonstrating against any appropriation being made for the fortification of the Canal Zone, which was referred to the Committee on Interoceanic Canals.

Mr. BRISTOW presented sundry papers to accompany the bill (S. 10510) granting an increase of pension to John Calvin, which were referred to the Committee on Pensions.

Mr. SMOOT presented a memorial of sundry citizens of Provo, Utah, remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. CLAPP presented a petition of sundry inmates of the Soldiers Home, Minnesota, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. WARREN presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. ROOT presented a memorial of the Chamber of Commerce of Watertown, N. Y., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. BURKETT presented a petition of Wilson Post, No. 22, Grand Army of the Republic, of Geneva, Nebr., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., praying for the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. OWEN presented petitions of the Maine State Grange, of Maine; of the Board of Trade of St. Albans, W. Va.; of the

Chamber of Commerce of Olean, N. Y.; of the Commercial Club of Covington, Tenn.; and of the Citizens' Commercial Club Co., of Delphos, Ohio, praying for the creation of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

REPORTS OF COMMITTEES.

Mr. PILES, from the Committee on Commerce, to which was referred the bill (S. 9864) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River, in the Territory of Alaska, and for other purposes, reported it with amendments and submitted a report (No. 1103) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.;

A bill (H. R. 30793) to authorize the Fargo & Moorhead Street Railway Co., to construct a bridge across the Red River of the North;

A bill (H. R. 31927) authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.;

A bill (H. R. 29715) to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

A bill (H. R. 30899) to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River; and

A bill (H. R. 31171) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907.

Mr. GALLINGER, from the Committee on Naval Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 8608) to authorize the President of the United States to place upon the retired list of the United States Navy Surg. I. W. Kite, with the rank of medical inspector (Rept. No. 1104); and

A bill (S. 9271) for the relief of William H. Walsh (Rept. No. 1105).

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment authorizing the President of the United States to extend to the International Congress on Social Insurance an invitation to hold its next triennial congress in the United States, intended to be proposed to the diplomatic and consular appropriation bill, and move that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SCOTT, from the Committee on Military Affairs, to which was referred the bill (S. 7650) for the relief of Thomas N. Boyle, reported it with amendments and submitted a report (No. 1106) thereon.

Mr. BURNHAM. I am directed by the Committee on Claims, to which were referred certain bills, to ask that the committee be discharged from their further consideration and that they be referred to the Committee on Indian Affairs, as they relate to Indian matters.

There being no objection, the Committee on Claims was discharged from the further consideration of the bills, and they were referred to the Committee on Indian Affairs, as follows:

A bill (H. R. 18589) for the relief of W. F. Seaver; and

A bill (H. R. 32264) for the relief of Frances Coburn, Charles Coburn, and the heirs of Mary Morrisette, deceased.

Mr. PERKINS, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 31859) to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal. (Rept. No. 1112); and

A bill (H. R. 31661) to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury (Rept. No. 1111).

Mr. PERKINS. I ask that the bills being Order of Business 988, Senate bill No. 10417, and Order of Business No. 967, Senate bill No. 10284, of the same titles, be indefinitely postponed, and that the House bills just reported by me take the place on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 18857) for the relief of Laura A. Wagner, reported it without amendment and submitted a report (No. 1107) thereon.

PUBLIC PARK IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I move to recommit to the Committee on Public Buildings and Grounds the bill (S. 5367) providing for the purchase of a reservation for a public park in the District of Columbia.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE AT ST. PAUL.

Mr. PILES. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 30890) to authorize the Chicago Great Western Railway Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn. I ask that the House bill be substituted on the calendar for Senate bill 10586, a bill for the same purpose.

The VICE PRESIDENT. Without objection, the House bill will be substituted on the calendar for the Senate bill.

Mr. CLAPP. I ask unanimous consent for the present consideration of the House bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and there being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. The Senate bill should be indefinitely postponed.

The VICE PRESIDENT. Senate bill 10586, with like title, will be postponed indefinitely.

HORACE P. RUGG.

Mr. BROWN. I am instructed by the Committee on Military Affairs, to which was referred the bill (H. R. 26722) for the relief of Horace P. Rugg, to report it favorably with an amendment and I submit a report (No. 1110) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill the following proviso:

Provided, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That in the administration of any of the laws conferring rights, privileges, or benefits upon persons who have been discharged honorably from the military service of the United States Horace P. Rugg, who was formerly lieutenant colonel of the Fifty-ninth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as lieutenant colonel of said regiment on the 17th day of November, 1864: *Provided*, That other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BROWN. I report back from the same committee for indefinite postponement the bill (S. 9147) for the relief of Horace P. Rugg. It covers the same subject as the House bill.

The VICE PRESIDENT. The bill will be indefinitely postponed.

HANS N. ANDERSON.

Mr. BURNHAM. For the Senator from Arkansas [Mr. CLARKE] I report back from the Committee on Claims, without amendment, the bill (H. R. 20072) for the relief of Hans N. Anderson, and I submit a report (No. 1108) thereon. I call the attention of the Senator from Missouri [Mr. STONE] to the bill.

Mr. STONE. That is a very small bill. I ask unanimous consent that it be put upon its passage.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Hans N. Anderson, for services in carrying the United States mail between the post offices of Davenport, Iowa, and Green Tree, Iowa, from July 1, 1903, to September 15, 1903, $66.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 10717) granting an increase of pension to William Hise (with accompanying paper);

A bill (S. 10718) granting a pension to Herman Tichter (with accompanying papers); and

A bill (S. 10719) granting a pension to Robert M. Mann (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 10720) granting an increase of pension to Harriet V. Tiernon; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 10721) for the relief of Henry N. Bird (with accompanying papers); to the Committee on Military Affairs.

By Mr. MONEY:

A bill (S. 10722) granting an increase of pension to Mary Rebecca Carroll (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 10723) granting an increase of pension to Patrick G. Murphy (with accompanying papers);

A bill (S. 10724) granting an increase of pension to Harry Jeremiah Parks (with accompanying papers);

A bill (S. 10725) granting an increase of pension to Elmer Howe (with accompanying papers);

A bill (S. 10726) granting an increase of pension to Willis G. Miner (with accompanying paper); and

A bill (S. 10727) granting an increase of pension to James H. Moser (with accompanying papers); to the Committee on Pensions.

A bill (S. 10728) for the relief of Simon P. O'Neil (with accompanying papers); to the Committee on Military Affairs.

By Mr. CRANE:

A bill (S. 10729) granting an increase of pension to James H. Morley; to the Committee on Pensions.

By Mr. BRADLEY (by request):

A bill (S. 10730) for the relief of the estate of Mary H. S. Robertson, deceased; to the Committee on Claims.

By Mr. DICK:

A bill (S. 10731) granting an increase of pension to James M. Dalzell; to the Committee on Pensions.

ASSISTANT PAYMASTERS IN THE NAVY.

Mr. BURNHAM submitted an amendment relative to the promotion of assistant paymasters in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 26367) to pay certain employees of the Government for injuries received while in the discharge of duty, which was referred to the Committee on Claims and ordered to be printed.

RETURN CARDS ON STAMPED ENVELOPES.

Mr. CLAPP. I send to the desk a letter addressed to my colleague from the national joint committee replying to the Postmaster General's communication of February 6, relative to special return cards on stamped envelopes. I ask that the letter be printed as a document and that 25,000 additional copies be printed. I have compared it with Senate Document No. 809, presented by the Senator from Pennsylvania [Mr. PENROSE] a few days ago, of which 25,000 additional copies were ordered printed. I find that this letter contains very much less material, so that it will very easily come within the cost as restricted by law.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That there be printed 25,000 additional copies of Senate Document No. 814, Sixty-first Congress, third session, letter national joint committee to Hon. KNUTE NELSON, replying to the Postmaster General's communication of February 6 relative to special return cards on stamped envelopes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 24885. An act to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins;

H. R. 24886. An act to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage; and

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 26290. An act providing for the validation of certain homestead entries; and

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States or their successors in interest.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 30571. An act permitting the building of a dam across Rock River, at Lyndon, Ill.;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 31648. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River, at Chattanooga, Tenn.;

H. R. 31649. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River, at Chattanooga, Tenn.; and

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 31662. An act granting five years' extension of time to Charles H. Cornwell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric-light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths;

H. R. 32473. An act for the relief of the sufferers from famine in China; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

H. R. 9137. An act to authorize the expenditure of the sum of $25,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, was read twice by its title and referred to the Committee on the Library.

H. R. 24746. An act to extend the extradition laws of the United States to China, was read twice by its title and referred to the Committee on Foreign Relations.

EMBASSY, LEGATION, AND CONSULAR BUILDINGS.

The bill (H. R. 30888) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad was read twice by its title and referred to the Committee on Foreign Relations.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to which was referred the bill (H. R. 30088) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad, to report it favorably without amendment.

Also, I report back from the same committee, Senate bill 10367, precisely as the House bill, which has just been reported. I ask that the House bill may be substituted on the calendar for the Senate bill which I report.

The VICE PRESIDENT. Is there objection? The Chair hears none. The House bill will go to the calendar and the Senate bill will be indefinitely postponed.

CONVEYANCE OF LAND TO FORT SMITH, ARK.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of Senate bill 10348, which will not provoke any discussion, and unless it is passed here very shortly it will stand very little chance of being considered in the other House, according to my present information.

The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 10348) to cede and sell to the city of Fort Smith, State of Arkansas, a municipal corporation, a portion of a tract of ground adjoining the national cemetery in said city of Fort Smith, State of Arkansas, as described in the act herein.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, page 1, beginning in line 3, to strike out "That the United States of America hereby cedes, grants, bargains, and sells to the city of Fort Smith, State of Arkansas, a municipal corporation, the following tract of land," and insert "That the Secretary of War be, and hereby is, authorized and directed, upon the payment by the city of Fort Smith, State of Arkansas, a municipal corporation, of such sum as he may determine to be the reasonable value of the premises, to convey to said city the following-described portion of the national cemetery reserve in the city of Fort Smith, State of Arkansas," and on page 2, line 4, after the words "of the," to strike out "land adjoining the," so as to make the section read:

That the Secretary of War be, and hereby is, authorized and directed, upon the payment by the city of Fort Smith, State of Arkansas, a municipal corporation, of such sum as he may determine to be the reasonable value of the premises, to convey to said city the following-described portion of the national cemetery reserve in the city of Fort Smith, State of Arkansas, to wit: Beginning at a stone which is set approximately at the center of South Sixth Street and at the extreme northeast corner of the national cemetery reserve in the city of Fort Smith, State of Arkansas, for a point of beginning; thence in a westerly direction and along the line of said reserve 157.2 feet to a point; thence in a southeasterly direction 207.6 feet, more or less, to a point in the east line of said cemetery reserve and in the west line of South Sixth Street; thence in a northerly direction and along the line of said cemetery reserve for a distance of 145.5 feet to the point of beginning.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out the following sections:

SEC. 2. That the said city of Fort Smith, State of Arkansas, shall pay to the United States of America for said land above described the appraised value thereof, as herein prescribed.

SEC. 3. That the said city of Fort Smith, State of Arkansas, shall appoint one appraiser, and the Secretary of War, on behalf of the United States, shall appoint a second appraiser, and these two appraisers shall select a third appraiser, and in the event they can not agree upon a third appraiser, then a third appraiser shall be appointed by the United States district judge for the western district of Arkansas; and said appraisers shall, before entering upon the discharge of their duties as such appraisers, take the oath of office faithfully to appraise the above-described lands, and a majority of said appraisers shall be sufficient to determine the value of said lands, as herein provided. The said appraisers shall each be appointed within 20 days after the passage of this act, and shall proceed at once to appraise said above-described tract of land, and shall file a copy of their appraisement in the office of the Secretary of the War, and also a copy in the office of the district clerk of the United States for the western district of Arkansas, and shall also furnish the city of Fort Smith, State of Arkansas, with a copy of their appraisement. The said city of Fort Smith, State of Arkansas, shall pay the costs of said appraisement, including the per diem of said appraisers, which per diem shall not exceed the sum of $6 per day, and the said city of Fort Smith, State of Arkansas, shall also pay the expenses of said appraisement in additon to said per diem of said appraisers.

SEC. 4. That within 30 days after the appraisers shall file their appraisal with the Secretary of War the said city of Fort Smith, State of Arkansas, shall pay to the Treasurer of the United States the amount found by said appraisers as the value of said land, and shall also within the time pay to said appraisers their per diem and expenses for making said appraisement.

SEC. 5. That upon payment of said sum of money, as herein provided, all right, title, and interest of the United States of America in and to the above-described tract of land shall forever be vested in the said city of Fort Smith, State of Arkansas, its successors and assigns, and upon said payment being made by the said city of Fort Smith, State of Arkansas, the President of the United States is hereby authorized and empowered to execute, issue, and deliver to the said city of Fort Smith, State of Arkansas, a patent for the said tract of land above described.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city."

FORTIFICATION OF THE PANAMA CANAL.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed. Without objection, the Chair will lay before the Senate a resolution, which the Secretary will state.

The Secretary read the resolution (S. Res. 325) submitted by Mr. MONEY on January 19, 1911, as follows:

Resolved, That it is the sense of the Senate that the Panama Canal should be fortified.

Mr. MONEY. Mr. President, when nearly three weeks ago I offered the resolution which has just been read it was with a purpose of speaking thereon within the limit of at least three or four days; but the day upon which it was offered I was taken sick, and have been confined to my room for over two weeks. I am not now quite able to make the speech which I should like to, but it is useless to postpone my effort any longer, because I do not know that I will get any better. I shall ask the indulgence of the Senate if I do not speak very loud. I do not know when I will conclude these remarks, but I will go on as clearly as I can and as far as I can, and, if I leave things unsaid that I should have said, there is no doubt that they will be much better said by some one following me; or, if they are not said at all, it will be no material loss.

This is a question, Mr. President, that may rank among those of first importance to this country. I will say for what it may be worth that I have given a great deal of study to this matter for more than 30 years. My convictions are very firm, and what I say about the subject is the result of a great deal of thinking on it and all the information that I could muster. Of course there will be much said on both sides.

The United States is about to realize, through its own energies and through its own Treasury, the dream of enterprising spirits for more than 200 years. Some one once said that no man ever looked at the map of Central America without a strong inclination to cut it in two with a pair of scissors at the Isthmus. The United States has desired this canal for a great deal more than half a century. It is within the memory of everyone here that the Clayton-Bulwer treaty, negotiated in 1850, between Sir Bulwer Lytton and Mr. Clayton, our Secretary of State, was extremely distasteful to the whole American people. It is a distinct waiver of the Monroe doctrine—in fact, a nullification of that utterance of Mr. Monroe in 1823—and it introduced into a purely American question a European Nation. The reasons for the ratification of the treaty by the American Senate, which afterwards protested loudly that they did not attach to it the meaning which the negotiators said they did, were two. The first was that there was no surplus capital in America, while Great Britain was redundant and applying her resources in every part of the globe to great industrial works. The second was that the sphere of British influence was rapidly extending in Central America, a country which we had been accustomed to look upon as peculiarly, since the enunciation of the Monroe doctrine, within the sphere of our legitimate influence.

At the time this treaty was negotiated an active diplomatic agent, Sir William Gore Ouseley, was negotiating with several Central American States treaties which we feared were to extend British influence. So, in a treaty in which we admitted Great Britain—very improvidently, in my opinion—into this arrangement, it was proposed that the sphere of her influence should not be extended any further. Upon that point there was a difference of opinion. The American Senate said that it considered that the influence it then had was to be reduced. The British, on the other side, said that it was not to be extended any further; and, unfortunately for our contention, both Sir Bulwer-Lytton and Mr. Clayton joined in notes affirming that their meaning was the one put upon it by Great Britain.

It was then proposed by Great Britain that they would have another convention and amend the treaty. We refused to do that. It was then proposed that they would have a convention and make an entirely new treaty. We refused to do that. It was then proposed to abrogate the treaty, and we refused to do that. Why? Because Sir William Gore Ouseley had not then finished his negotiations with the little republics in Central America; but when he had concluded them it was found that our apprehensions of the extension of British influence was not justified and the result altogether more satisfactory than we had hoped.

It will be recollected that in 1900 a new treaty, called the first Hay-Pauncefote treaty, was negotiated. I am speaking right now upon the point of our rights under treaty obligations, because I have observed in the press that some doubt is thrown upon our right to do as we please about this canal on account of restrictions in our treaties with other countries.

That treaty was ratified by the Senate after one of the most stubborn fights ever made upon a treaty, during which I had something to say quite often. One clause of that treaty forbade the fortification of the canal. Three attempts were made to amend that treaty by striking out that provision. If I recollect aright, one amendment was offered by my distinguished friend from South Carolina [Mr. TILLMAN], I think one by my distinguished friend the senior Senator from Texas [Mr. CULBERSON], and one offered by that distinguished gentleman from Ohio, ex-Senator Foraker, that repealed the clause that forbade the fortification of this canal by America. But when the treaty went back ratified by the Senate of the United States it was repudiated by the British ministry for several reasons, and a new treaty was immediately negotiated. That was promulgated, I think, in February, 1902, and I want to call attention to the fact that that treaty dropped from the text that provision against fortification, and it dropped out also the

words "open in time of peace and war," which had belonged to the other and had been drafted in from the Suez convention of 1888, held at Constantinople. Sir Julian Pauncefote was one of the commissioners in both conventions and was attached, I suppose, to that form of words.

Not only did this treaty with Great Britain give us the right to fortify, according to a reasonable interpretation of the late Hay-Pauncefote treaty with the previous one by striking out the clause forbidding fortification and the other words which I have just mentioned, but a significant illumination is thrown upon the whole transaction by a note of Lord Lansdowne, the British premier, to the British ambassador here. It throws a great light upon the interpretation to be afforded to the last Hay-Pauncefote treaty by the omission which I have mentioned. He expressed his satisfaction with the terms of the new treaty and said, "I am not prepared to deny not only that it is desirable for the sake of preserving the canal open to the commerce of the world, but the United States may find it of supreme importance to fortify the canal."

The other significant historical fact which still further illustrates the meaning of the British negotiations in omitting that provision is in the fact that the British military force that for so many years has been in cantonment on the Blue Mountains above Kingston, in Jamaica, has all been removed, and there is in that island now only a brigadier general with about 200 men doing mainly a sort of guard duty.

A further significant, historical, illustrating fact is that the great naval depot, dockyard, and shipyard at Port Royal, in the neighborhood of Kingston, which was the greatest on the Western Hemisphere, has been totally demolished; its guns have been removed; the property which was salable has been sold; and, further, the second in importance and in strength on this hemisphere, windward about 600 miles, at Santa Lucia, has been totally demolished, the guns removed, the property sold. There is no one there, and it is not even a saluting port. In other words, in the light of this treaty in which Great Britain is more interested than all the other nations of the world put together, save ourselves, we have a free hand to do what we think wisest and best, first for ourselves and then for the balance of the world.

It is evident that Great Britain is relying on the good entente of this country in stripping her island possessions in the Caribbean of her military and naval force and of her defenses, relying upon our good will to take care of her interests in this quarter of the globe.

Now, then, that disposes of the only Nation save one with whom we have any treaty relations whatever on this subject. The other nation is the little Republic of Panama. I shall not go through the history of the secession of Panama, which, in my opinion, is an indelible stain upon American honor, but I will say that she was an independent sovereignty, and when we passed the bill called the Spooner Act she had been recognized by 10 or more of the sovereignties of the world. She was as capable of acting for herself as the oldest and best established state in the world. That state made a treaty with us in which we not only got those concessions which we had hoped for, but more than any American statesman ever dreamed of. We not only got a concession of rights of way, but we received a relinquishment and grant in perpetuity of the sovereignty over a 10-mile strip to embrace the canal.

The language of that treaty does not use the word "cession," and I have found only one writer who has made note of the fact that the word used was not "cession" of this strip, but a relinquishment in perpetuity on the part of Panama and a grant in perpetuity to the United States of sovereignty over it.

The ultimate and legitimate effect is the same as relates to other persons with either phraseology; but that has not been attempted to be explained, and I will offer a brief explanation according to the best of my thought on this subject. A cession of territory is a total relinquishment in every shape, manner, and form without anything whatever, with no particular object in view. But a relinquishment of sovereignty means that the act is done with a particular object and purpose in view between the two contracting parties. That object was the building of a canal and the preservation and operation of that canal for the benefit of the commerce of the world, and in order to enable the United States to do that—in other words, to carry out its treaty obligations with the only two countries with which it is in treaty on this subject—it especially states that the United States may use any military force and erect any fortifications at the termini along the route of this canal that in the judgment of the United States may be good or necessary for its defense and protection.

So, as these are the only two countries in the world with whom we have any treaty relations, it is difficult to conceive how any one can say that we are disregarding any treaty obligations whatever. We are in the line, and we will be delinquent if we do not pursue that line, in erecting fortifications there to preserve this canal for the use of the commerce of the world.

That is the obligation we are under to Panama. That was the consideration—the good and valid consideration—for which she made her relinquishment of sovereignty. That is the good and valid consideration that Great Britain received which eliminated her from a purely American question where she never should have been, and permitted her to divert her resources of military and naval strength in the West Indies to other parts of her world-flung possessions.

Now, then, what are our relations to the balance of the world? We have invited, when this canal shall have been opened and operated, the commerce of the world to pass through it. That is in accord with the spirit of commerce and amity which we have with every civilized country in the world and with some of the half-civilized. This, however, is a guaranty which depends upon the will of the guarantor, to be preserved according to the terms of the treaty with Panama and Great Britain until the interests of the guarantor are affected, and then, like every other nation in all the annals of human history, she must assert her interest.

It has been said over and over again that the friendship of nations extends just as far as their interests go and no further. In this modern and commercial age of the world this is true. There have been magnificent and glorious exceptions in the history of the past, however, where nations generously sacrificed themselves for a friend and ally without any thought whatever of their own interest. But that was the heroic age of the world, Mr. President, which we are not likely to see repeated soon.

Our obligation to the balance of the world is this: That by our invitation they are to use this canal. Some of the reasons are that we want the tolls upon passing ships to help pay the operating expenses and the interest on the money invested. In the next place we want to get something, if we can, out of the passing cargoes or tolls, or whatever it may be, of interest to the people along the Canal Zone. But whenever in case of war it is necessary for us to exercise the powers of sovereignty we shall not hesitate to exercise them.

It has been quite common to compare the great Suez Canal with this as though they were either parallel or one a precedent for the other. It is impossible to take a hypothetical case and get two canals more fundamentally and radically different upon which there is less basis for laying a comparison. They are not to be compared, but contrasted. If the Senate will allow me to make a very brief retrospect, I desire to show as rapidly as I can the history of the Suez Canal. As far back as 1838 Mohammed Ali was the governor of the Pashalic.

He was very anxious, being a far-sighted statesman, to have the canal dug through that isthmus to connect the Red Sea and the Mediterranean. He sought advice in different quarters, and among others he sought the advice of Prince Metternich, who was then perhaps the leading statesman of Europe, the prime minister at the Austro-Hungarian cabinet. He advised him that the work was one, in his opinion, not only not engineeringly and economically feasible, but that it would be worthless to a dependent state unless there could be a guaranty by all the powers of Europe as to its neutrality. Time went on, and as the project began to assume form and the nations of Europe awoke to an interest in it Great Britain realized that it might be an accomplished fact, and true to her own interest, as always, she bitterly opposed the whole scheme of building the Suez Canal.

At that time Mr. Palmerston was in his glory, and so great a man as Mr. Palmerston, speaking upon this subject, said that it was the veriest bubble that ever engaged the speculation of mankind and that it was utterly impossible and impracticable. So acute a man as Benjamin Disraeli declared it was a vagary, that it was impossible, a mere vanity, and that nature would speedily efface by her energies all result of man's work upon that canal. There were other men, however, such men as Mr. Gladstone and, I believe, Mr. Roebuck and John Bright, and probably others whom I can not recall, who insisted that it was practical and would be immensely advantageous to British commerce.

On the other hand, it was replied that it would open an avenue for attack upon India, the greatest of all the British dependencies and the most vulnerable. In addition to this, the British diplomatic agents at Constantinople and Cairo warned the authorities of those countries that if they permitted the canal to be undertaken they might incur the displeasure of Great Britain. But when it was discovered that, in spite of all opposition, the canal would be built, Great Britain became very anxious that neutrality should be observed. The work was begun. A firman was first granted to De Lesseps for the mari-

time canal of Suez. It was built mainly by French capital, and the original stock was only $40,000,000.

In the meanwhile there were several quasi conventions held, discussing tonnage rights, this, that, and the other right, and all protesting that the canal should be free and open and not under the control of anyone. It was represented that Turkey, then called the "Sick Man of Europe," was unable to maintain the canal "free and open;" that Egypt, a mere dependency of Turkey, was utterly unable to do so, and there must be a guaranty of the powers for that purpose. None were more persistent in that cry than Great Britain, and when her commissioners met first, before the final convention of 1888, with the other commissioners, Lord Osborne was careful to instruct the commissioners that they should avoid the word "neutrality" or "neutralization," but insist upon the words "free and open." The meaning of these words in these instructions will become a little plainer when we get a little further down.

In 1878—the canal was opened to the world in 1869—Disraeli, with that acute business instinct which belongs to his race, immediately bought half the shares. In the meanwhile, however, the Pasha had become the Khedive under the royal firman of the Ottoman Porte. Khedive is the Arabic for king. Three years afterwards another firman was granted which made it almost an independent sovereignty. But in the meanwhile the finances of Egypt had become so involved that it required fiscal agents of France and Great Britain to secure anything like financial order, and very soon France was removed from that and Great Britain assumed the control by the consent of the Khedive.

At this point Great Britain, in 1878, acquired at what we might call a nominal price the Island of Cyprus, the most easterly of all the large islands of the Mediterranean and the most convenient to the Suez Canal, and the only one fitted for a base of military operations on account of the extent of its territory and the amount of its products.

In 1814 Great Britain had abandoned the island of Perim; which is in the straits of Bab-el-Mandeb, at the opening of the Red Sea into the Indian Ocean. She resumed the occupation of Perim about the time she acquired Cyprus, and built one of the strongest fortifications in the world on a barren volcanic rock, where there is little water. Then taking possession a little later of the rock of Aden on the Arabic coast, she made there in the crater of an old volcano, where there is also a lack of water, one of the strongest fortresses in the world. In the meanwhile she had the impregnable Gibraltar, at the straits of Gibraltar, which is only 8 miles wide. She had halfway down the Mediterranean the Maltese group, the chief of which, Valetta, is one of the strongest fortifications in the Mediterranean after Gibraltar. Having acquired these advantages, which gave her control of all the approaches to the canal, Great Britain was then willing to consider the canal to be free and open.

It is just as though the United States had built a fortress at the Bay of Limon, or at Colon, or at Panama, or at Gatun, and at every point of vantage along the whole route. No ship could come in and no ship could go out without going under the guns of a British fortress. These Far Eastern fortresses were under the nominal control of the presidency of Bombay.

But that was not all. You recollect the Russo-Turkish War of 1877. Russia was engaged in war with Turkey, and of course Egypt was engaged as one of her dependencies. Great Britain became alarmed, and she wrote an extremely vigorous note to each of the powers, in which she said she would resist with all the forces at her command any attempt on the part of either one in any way to obstruct the free navigation of the Suez Canal. Each of the three hastened to reply that nothing could be further from their intention. That was satisfactory to Great Britain, who then had undisputed control of the Suez Canal.

But to make it still better, some time after, when the Suez convention of 1878, held at Constantinople, met, she secured an abeyance of that clause so that they never have met since, because it did not suit the convenience of Great Britain that they should.

I am now showing the absolute ownership of that canal, not only on account of the stock it represents and the commerce of the canal, but in the way of sovereignty and control.

In 1882 there was a revolt in Egypt against the Khedive by Arabi Pasha. It extended so rapidly that the whole Egyptian army revolted and went over to Arabi and took possession of the delta of the Nile, an almost impregnable government fortress. Finally Great Britain, acting in the capacity of fiscal agent and comptroller of the affairs of Egypt, and also as the good friend of the Khedive, took, in her name, military possession of Egypt. She sent her fleet and she sent her army. There followed the massacre of Alexandria, which fired the world a little.

Then what did Great Britain do, who had insisted so strongly upon neutrality? So soon as she found that the canal would be built in spite of her, she submitted to the houses of Parliament a proposition to build a parallel canal at the cost of the British Government, and it was rejected by the House of Commons. Then Great Britain lands her forces there, and Arabi, who was the bosom friend of De Lesseps, was assured by that gentleman that he need take no concern about the canal. It was protected by all the agreements about its neutrality, with its free and open water, and so forth. But Great Britain paid no more attention to that treaty than she would to this one were she at war with us. In time of war nothing is truer than the old Latin proverb, "Inter arma silent leges." That is just as true to-day as when it was first uttered. At the first cannon shot all pacts and provisions fly; they are dissipated; the treaties go into thin smoke.

Great Britain not only landed her troops, but, in order to reduce Arabi, took possession of that canal whose neutrality she had so strenuously insisted upon. For 19 days she held it against the world. No opposition was made whatever, and, of course, Arabi was very speedily brought to subjection.

That is the history of the Suez Canal. Is there any parallel between that case and the one we have in hand? But, further, that was a case of a canal cut through territory that belonged to an absolutely incapable country, a sovereign who could make all the guaranties in the world, but not enforce a solitary one of them. Consequently the world, acknowledging that fact, at the petition of the sovereign, made its universal guaranty according to the convention of Constantinople.

Now, what is the case here? Instead of a canal 100 miles long over a dead level and almost connected by two navigable lakes, we have a canal that has some physical difficulties, the Culebra cut, principally, and the Chagres River, which rises 25 feet in two hours, and whose waters must be impounded or it will destroy at every freshet the whole canal. These are physical and engineering difficulties that have happily been overcome, I must say, much more rapidly than I had ever anticipated. The great trouble which I had anticipated all along has been entirely overcome, and that is the sanitation of the Canal Zone. That was a work that I thought impossible. It has been as completely done as in any ward of this or any other city in the United States.

Now, then, we are here with a canal across our own territory. It is neutral water. In what sense? Because anybody says it shall be neutral water? The law of nations has long since made neutral water all that which lies inside the country between the headlines of capes and 3 miles from the coast line. Why 3 miles? Because the only point in having an agreement among nations for neutrality was that neutral sovereigns power should not be injured in a contest between two belligerent powers.

So, while virtually a belligerent ship comes into our port at New York or Baltimore and is followed in by another on the other side of the contest, it is neutral waters, not that we are interested to take care of them, but because we are taking care of ourselves. In other words, there must be no combat waged that can endanger the life or the property of the neutral sovereign. It was fixed at the 3-mile limit, because when this became the understanding of nations 3 miles was the utmost limit of cannon range. Now it is 15 and 20 miles. But they fixed it and it is there yet.

It is true that for the understanding of nations there is no sanction whatever. There are no sanctions to international law. It is only the judgment of mankind that can reproach or rebuke a nation, unless nations combine to coerce, and they can do that in any event.

It is true that when a belligerent enters neutral water another belligerent may do him an injury, and then the injured Government can call upon the neutral power to make good that damage. There is great difference between "neutralized" and "neutral" and "free and open water." You will not find in the whole Suez convention the word "neutral," the word "neutrality," or the word "neutralization." The care of Lord Osborne omitted this phraseology and used the term "free and open."

The difference between neutrality, neutral, or neutralized waters is this. The neutral water is that which lies wholly within the territory of a sovereign or within 3 miles of a coast line. That is neutral water by the agreement of nations.

Neutralized water is that which is made so by a pact between a certain number of nations able to enforce it. There is an enormous difference between neutralized territory and neutralized water. We have some examples of neutralized

territory. Neutralized water and neutralized territory never happen to a power that is independent and able to take care of itself. It is always a weakling, a dependent one, that lives upon sufferance and the consent of its neighbors and not of its own right and its own strength to maintain it.

We have the little Duchy of Luxembourg, the most thickly populated, I believe, of the little duchies in Germany. That is neutralized, because, not desiring to come into the German union, it desired its independence, and it can not exist unless it is neutralized by neighboring powers.

We have the example of Belgium, and its neutralization arose in an extremely peculiar way, which shows how great nations regard the rights of one of their number. There was an insurrection in the High Netherlands, a province of Holland, against the King of Holland. After a vain effort of many years to put it down he appealed to the neighboring powers to put it down and reduce to their allegiance the revolting subjects. They held a meeting at Berlin for that purpose, and the result was not to reduce his revolting subjects to allegiance, but to set them up independently in a little kingdom that they had made, and they called it the Kingdom of Belgium, which is the most thickly populated country in Europe, I think 10,000 or 11,000 square miles and 6,000,000 people. That is neutralized because it is intended as a buffer against nations that are able to fight and to take care of themselves and to maintain their independence. All the nations have so far observed that neutralization. The next was the little confederation of Switzerland of about 15,000 square miles, flung among the Alps. It began with what were called the three forest Cantons, the old Grison Canton, Uri, and Schwiz. There were added to it other Cantons like Zurich and Basel, and on until to-day there are 22, 16 of them speaking the German language mainly, 4 speaking the French mainly, and 2 speaking Italian, and 1 the ancient Romanische.

They are held together there with a full spirit of independence and liberty, but because the nations of Europe have consented to their existence as another buffer sovereignty they have neutralized their territory and nobody yet in the face of the guarantors has dared to violate that neutrality.

We had a rather singular example in the conclusion of the Franco-Prussian War. After the disaster at Metz and Sedan, Gen. Bourbaki, a French general of distinction, collected a very considerable army, amounting to about 180,000 men, on the upper Loire. He moved down and attacked Belfort, held by the Germans, with tremendous fury. He was defeated with great loss, and then retreated to Besançon, and then he went over into Switzerland. He was pursued by the Germans, but they, however, never went beyond the frontier. Switzerland called her citizen soldiery, as she had no standing army, to go to the frontier and defend her rights. But it was unnecessary, the Germans respecting it. Another French general was compelled to take refuge a second time in Switzerland, and still the neutrality was respected by the Germany Army.

The reason is obvious. Germany would lose more by violating the neutral territory than she would gain by it. That is all.

Another difference between neutral territory and neutral or neutralized water is this: Everybody is invited to keep out of the neutral land. Everybody is invited to come into the neutral water.

Now, we have this canal about finished. The question is how are we to carry out our implied obligation or our moral obligation, as well as the treaty obligations, we have to keep it open to the commerce of the world. I do not suppose there is a man in the Senate who supposes for one minute that the Government of the United States as a government undertook this stupendous work, costing nearly $400,000,000, purely for its commercial value.

It is perfectly obvious that for 12 years at least this tremendous exaggeration about the commercial importance of the canal was just about as much overdrawn as it was possible for figures to make it. It was done by agents and attorneys of what was once called the Maritime Canal Co., that had a certain concession from Nicaragua. That concession expired, or was denounced as nonuser by the President of Nicaragua, and the next year denounced by the Congress of Nicaragua. The furniture was sold for office rent in New York. The few dredges and wooden houses rotted at San Juan del Norte and the thing was defunct. Yet efforts were being made in this Chamber to vote that concern $11,000,000 and to build that canal.

Mr. President, if I am not very much misinformed about it, and I have been thinking about it a good deal, the Government is not for any money that we can make out of this transaction. In my opinion, the use of it has been extremely overstated.

It will be of great commercial value to the United States. The next power that will use it in extent of tonnage and sails will be Great Britain. Yet it is only an alternate route of Great Britain to her South Sea and Indian Ocean possessions. It is the alternate route. Her natural route is by Suez. So is that the route, and the nearest route, and the best route of all Europe to any part of India, to all Australia, to the Straits Settlements, and to such southern ports as Shanghai and Canton and as far up as Peking. It is the shortest and the best route. Then, why should they go a longer and worse route in order to pass through Panama? The Suez Canal tolls are as cheap now as we will ever make ours.

One of the reasons is that there are no ports of call upon our route at all, and there will be only one port of call that will be at all easy. On the other route you have cities from the Straits of Gibraltar upward along the whole western coast of Europe to the Baltic, and down along through the whole Mediterranean, which is 2,540 miles long. Then you go to Alexandria, an old Egyptian city, and use the canal 100 miles.

It is 1,350 miles before you get out of the Red Sea into the Indian Ocean. Then the first great city is Bombay. It is only 6,000 miles from London to Bombay. It is only about 1,700 miles farther to Calcutta, the capital of the Empire, the extreme northeastern city, and it is the greatest in population and in business.

So there is no inducement in the world for any nation to come to this canal with commerce except Great Britain.

I do not mean there will not be tramp steamers and transient sailings. They are going everywhere. You can not tell where a chartered steamer will go. The commerce of the world to-day is carried by 92 per cent of steamers and a little less than 8 per cent of sailing vessels, and the disproportion is every day increasing on account of the shortness of the trip and the certainty, which means lessening of interest on sight drafts and on insurance.

Then we have a canal that is good for us commercially, good as an alternate route, mind you, for Great Britain, because Australia is nearer to Great Britain by Suez than it is by Panama. As far as that is concerned, she can send her freight steamers through the Straits of Magellan, a most difficult piece of water to navigate, one of the most difficult in the world, and reach Santiago de Chile or Valparaiso in a less number of miles than she can to sail through Panama and go down the west coast. She can get to Callao, the port of Peru, in almost the same number of miles.

What did we go into this enterprise for? Simply for its strategic value, and nothing else. When we found a possession on our west coast extending into a great empire building up great commercial cities and fronting Asia, we began to realize that we are in a position where we would be caught on either flank, and put to extreme disadvantage in case of war. As to whether we will ever have a war, every good man will hope that we will not, but war is incident in the life of every sovereign people. All this peace that the millenianites are talking about to-day is the baseless fabric of a vision. It is delusive. We will not have universal peace until God Almighty shall take man and resolve him into his original constituent elements, and eliminate every single chemical trace of greed, selfishness, or ambition; and when we get to that stage of human life we will need no fortifications of canals; we will need no treaties to neutralize these waters; we will have no war; we will need no Government. We will not even need a rule to bind together human society, because by that time individual man will be so perfect altruism will carry him to a plane where there is no compulsion of the many over the one, but each one operates by his own motion to do the best that can be done, and no longer is any government necessary.

But that is a condition not to be realized in my or your time, Mr. President, nor for many years and cycles of ages to come.

As I said, it is a mere dream, laudable, perhaps, in those who indulge in it. It happens that the people who are opposing this fortification in the main are of the best people in the world, but they are the emotional class of people; they are professors in universities, bishops, preachers, female writers, male writers, and effete statesmen—those who never were combatants and never will be with a million of opportunities. They are indulging in this daydream; but no practical legislative mind can consider these things for one single moment.

We have dug this canal for strategic advantage. In case of attack from either the east or the west we can concentrate our navies on the inner line of action, which all military men say is the safest and best, because it admits of the most rapid concentration; and Napoleon's first maxim was to "get there first with the most men." It will make unnecessary a fighting fleet of the size that would be essential if there were no canal. It would save us hundreds of millions of dollars in the defense of our Pacific coast.

If, on the score of economy, these fortifications are not to be built, then we ought to demolish and dismantle Fortress Monroe and the Ripraps down there, making those neutral waters; we ought to dismantle every fortress in New York Harbor, in Boston Harbor, and all the way around our whole seacoast, because it would be very much cheaper to do that.

The substitute offered by opponents of fortification for this defensive work is the Navy. Well, now, let us see about that. The cost of the proposition to fortify the Panama Canal is reduced to $12,000,000 and a little over, with an initial sum of $1,000,000, it being highly desirable that the fortifications should be begun and be finished almost synchronously with the completion of the canal.

The expense of one battleship, which the gentlemen who want no fortification tell you should defend that canal, is just $12,000,000, according to an estimate submitted here the other day—$11,983,000, I think it was—but my friend here, who is on the committee, knows; in other words, fortification will equal the cost of one battleship, which will last 15 years. Not only one battleship would be required, but one battleship at least at each end of the canal, if not two at each end, and no battleship will be stationed there unless reinforced by gunboats, torpedo boats, torpedo-boat destroyers, and a cruiser, because you can not make an army of cavalry alone or of artillery or of infantry, but you have got to have a distribution of the arms of the service; and the same is true of naval warfare.

Then the value of a navy lies in its absolute mobility, its ability to go instantly from this point to that, wherever it may be most needed. A fort can not go; big guns can not go unless they have the deck of a ship for their gun platforms. So it is deteriorating from the strength of the navy to keep it behind to defend a land work. It is just reversing the rule of warfare.

I am not a military man, but it is my opinion that the three great strategic points to-day are the Strait of Gibraltar, the Suez Canal, and the Panama Canal. I mention these waterways, because, first, they are open to the world, and for the further reason that it seems to have become an obvious fact that the warfare of the future will be very much more on sea and less on land than it ever was before. That is the tendency. Hence the desperate race for predominance in the machinery of war on the water.

If we are to preserve this line of strategy, which is necessary to the existence of the territorial integrity of the United States, we have got to protect this canal so that we can use it for ourselves and for others.

The fortification of the Panama Canal is not an infringement of any treaty; it is not an infringement of any moral obligation to the world, but it is simply a provision made for the safety of this Republic and the maintenance of the waterway for the commerce of the whole world.

Has anybody ever suggested to the German Emperor or to the German Reichstag that the Kiel or the Kaiser Wilhelm Canal should be neutralized? Has any American advocate of neutralized waters, by the consent of every government, ever addressed his mind for a minute to that thought? No nation has had the temerity to say to the German Empire that they would like to have the Kiel Canal neutralized. It would be considered an insult, which would be immediately resented.

Not only that, but the strongest fortification in all Europe—I might perhaps except Gibraltar—is on the Baltic, at the mouth of the Kiel Canal, and the next most important, probably, very near the North Sea, at the entrance to that canal, and no warship can go through there at all without a special permit from the German Government.

That canal runs through German territory. The Panama Canal runs through American territory. They were both built at some cost, but ours is very much more expensive; yet no one suggests that Europe will neutralize the Kiel Canal. No one says that they shall not put up a fortification there. Then why do they suggest that to us? Are we less able to take care of ourselves than is Germany? We have larger resources; we have a very much larger population; we have everything that goes to the immediate exertion of the fighting faculties of a great people in a contest with any nation of the world on any question; and why should the United States be insulted by a proposition from its own people or from the English people that their water, in their own territory, over which they have undisputed sovereignty, should be neutralized by the consent of other people? I consider it an insult to the American Nation.

Mr. President, the Panama Canal will not only be the inner line of action for the concentration of ships in time of war, but it will be the point of safety and for recruiting and repairing our Navy in the Caribbean and in the Pacific; it will be the key to any situation of war in the future. Everybody understands that, I hope, and if they do not they may be brought to a realization of it much more speedily than they think.

We had a document submitted—it seemed to me rather improvidently—by the Secretary of War to the House of Representatives. It was returned to that gentleman, with the information that the House would not receive such a paper. Immediately they got up what was called a war scare, about Japan, as usual, which I suppose was mainly the enterprise of our bright newspaper men more than anything else. Then hastily the book or pamphlet, or whatever it was, was ordered withdrawn and not to be published. In my opinion that was a great mistake. Every word of it ought to have immediately been published. If we are not prepared, it is very much better that the public should know it. To hoodwink and blind the people of the United States as to their lack of preparation is criminal. What defeated the French in the Franco-Prussian war was that the Marquis de Boeuf, the minister of war, constantly deceived Louis Napoleon as to the condition of his army chest, of his supply chest, and of his forces in the field.

If there is anything wrong, we ought to know it. We have the courage to undertake to remedy whatever is wrong, and we have the ability to do it. So far as Japan is concerned, the scare, of course, is located there. Well, it did not settle any future difficulty with Japan because this report was suppressed and information, which I suppose was true or it would never have been presented to either House of Congress, was denied to the American public. They have a right to know about those affairs. They are the sole source of authority in this country, and we are but their servants to do their bidding. The suppression of the report does not at all remove the possibility of war. I am not an alarmist; I am rather an optimist; I am of a cheerful disposition; and I am so sanguine that I always believe that my side is going to win, whether it has any chance or not; but with the present policy of expansion and of subjugation, to which we seem determined to adhere, war is one of the probabilities of the future, with not long to wait.

There is a tendency of an ethnological sort going on throughout the whole world that has been remarked, I suppose, by many of you, of the segregation of races of men into family groups. Already you hear "Asia for Asiatics"—the Mongolian family—and we are told by the best Japanese orators and statesmen and writers that the family instinct is the strongest power in Japan. They are grouping together everywhere. The brown people are going to themselves; the white people are steadily going to themselves; the black people will go to themselves, if they are allowed to do so; but, unfortunately, with a continent covering nearly 12,000,000 square miles, with a Negro population of over 100,000,000, there is not a solitary independent Negro State in the whole of it, and those 100,000,000 are under the subjection and control of a few thousand white people who have simply partitioned out and divided the whole continent among themselves. They have got together with a vengeance there, and they would elsewhere if they knew how to do it and could do it. It is that family feeling that may excite some difficulties.

You are still persisting in maintaining a sovereignty over the Filipinos. Of course I do not want to argue that question, and I am not going into it at all. A few nights ago I heard an after-dinner speech made by a very distinguished gentleman, who said that if we deserted our obligations to the Filipinos now and abandoned them it would be an act of cowardice. I can not see how the question of courage or the lack of it is involved. It is not a question of courage, but it is a question of common sense, of prudence, of wisdom, of statesmanship, of what is best for America; and as for our duty and obligation, while we have paid Spain $20,000,000 to get that duty and we spent some hundreds of millions of dollars in whipping the Filipinos in order to clinch that duty upon ourselves, we do not seem to be able to rid ourselves of it.

But, at any rate, there is a possibility of war. With wise forecasting, we have the Hawaiian Islands, a mid-ocean outpost that I hope will be strongly fortified. If so fortified, it will save us ten times as many millions in the fortification of our western coast. All the possiblities in the Orient simply emphasize the fact that Hawaii will be the great strategic point of the United States in its future wars.

Mr. President, as to the cost of the maintenance of the fortifications of the canal the answer is so ready, so obvious, and so very simple that it looks ridiculous that the question should ever be asked at all. As I have said, one battleship will pay for all the fortifications, and with fortifications that battleship will be ready to do twice the work elsewhere that it could do grinding her own beef bones in the harbor at Panama.

I have, Mr. President, thought very often of the condition in which we find ourselves as we extend far afield our line of fortifications and our sphere of influence, of the renewed responsibilities, as they are called, and moral obligations that are all the time resting upon us, and how entirely unsuitable are the preparations we are making to meet and carry out those

responsibilities. To neglect this one point would be worse than criminal, in my opinion.

Mr. President, I have only made a few observations on this question, but it seems indefinitely to expand and, like the mirage of the desert, to precede the traveler and lead him on and on; but I find that I am physically unable to speak longer.

Mr. ROOT. Mr. President, I wish to express my most decided and hearty concurrence with the conclusions which the Senator from Mississippi [Mr. MONEY] has enforced with the most interesting and instructive observations which he has addressed to the Senate. It seems to me that it would be as reasonable to leave one's door unlocked in the city because one is in favor of honesty as to leave this canal undefended because we are in favor of peace.

We must not forget, when the project of neutralizing the canal is proposed, that all the unjust wars in the world, in modern times at least, have been waged notwithstanding treaties of peace. No treaty can be made for the protection of the Panama Canal that would have a more binding effect than the treaties which exist to-day and the treaties that have heretofore existed, which have ineffectively interposed their feeble barriers against the wars of the past. When we once concede that there is to be defense, the question as between defense by fortifications upon land and by ships of the Navy becomes a technical question and not a question of principle or policy.

I am bound to say that the idea of defending the Panama Canal by stationing a battleship at either end and expecting a thousand American sailors to live inclosed in steel under the sun of the Tropics is visionary and absurd.

I do not know, Mr. President, that this question is as yet before the Senate in a form for action, but whenever it does come up for action my vote will unhesitatingly be for the proper fortification of the canal.

SENATOR FROM ILLINOIS.

Mr. CULLOM. Mr. President, I have been expecting for two or three days to say a few words about my State and myself. I do not think it is worth while for me to say anything, but I feel as though my own State would expect me to do so.

Mr. President, I have been silent, as Senators know, while the discussion has been going on concerning the right of my colleague to retain his seat in the Senate. No matter what Senators may think, personally I did not believe it becoming on my part to discuss the case publicly or privately, and I do not intend to do so now. When the time to vote comes I shall vote according to the dictates of my own conscience. However, in the debate which took place last week the honor and integrity of my State were brought into question, and even my own election as a Senator from the State of Illinois referred to on the floor of the Senate, and consequently I deem it my duty to speak.

Senators will pardon me for first saying a few words in reference to my several elections to the United States Senate.

I was elected governor of Illinois in 1876 and reelected in 1880. Two years later, in the middle of my second term as governor, I was elected to the United States Senate as the caucus nominee of the Republican Party in the legislature, and on the joint ballot received every Republican vote with the exception of one member. That one was against me because he thought there was a constitutional objection to my election. Six years later I was reelected without opposition, receiving the caucus nomination and the vote of every Republican in the legislature. Again, at the expiration of my second term, I was a third time elected under similar circumstances. In 1900 I had a more serious contest, Hon. John R. Tanner being the principal candidate who, with one or two others, opposed me; but they all withdrew before the caucus met, and my name was the only one presented to the caucus, and I received every Republican vote in the legislature. The fifth and last time I was elected I went before the people on a direct primary, carried the popular vote by some fifty thousand majority, and carried a substantial majority of the senatorial districts, whereupon my opponent withdrew and I was again, without opposition, the Republican caucus nominee and received the entire Republican vote on joint ballot. On these five different occasions, when the people of Illinois so signally honored me, there was not even the slightest suggestion on the part of anyone of corruption or wrongdoing in the legislature in connection with my election. As a candidate for the legislature, as a candidate for Congress, as a candidate for governor, as a candidate for United States Senator, no one has ever charged that a single dollar was used to influence any voter to vote for me or to corruptly influence any member of the legislature to vote for me. I have always been a party man, and am now, and have always received the support of my party.

These are the facts. They speak for themselves. That is all I have to say concerning myself.

Now, a few words in reference to the State of Illinois. It has, as has been said here, had a great history. Admitted to the Union in 1818, its growth in population and wealth and its progress in education have been marvelous, and it is to-day an empire with a population of over 5,600,000, the third State in the Union, with a city which has grown within the past few years to be one of the foremost cities of the world. It has given to the Nation some of the greatest names in our national history—Lincoln and Douglas, Grant and Logan, Trumbull and Chief Justice Fuller, and many others. Its population, particularly its rural population, is largely composed of those and the descendants of those who came from the best classes in the New England and Eastern and Southern States. Senators have expressed great concern over its integrity and honor. Probably I have its integrity at heart to a greater degree than any Senator in this body. In my judgment, the State of Illinois needs no defense. Its people, as a whole, are as honest and honorable as the people of any other State in the Union. That corruption has existed on the part of certain members of the legislature should not affect the honor and integrity of the whole State and besmirch its fair name throughout the Nation.

If Illinois is to be condemned on account of corruption in its legislature, there are few of the great States in the Union not subject to similar condemnation. My record in public life for the past 50 years will show that I have always opposed corruption, and I do not hesitate to say now that anyone guilty of corruption, whether in the Legislature of Illinois or elsewhere, should be prosecuted and punished to the full extent of the law, but it is manifestly unfair and unjust to hold up the State to scorn on account of the corruption and wrongdoing of a comparatively few of its public officials.

Notwithstanding the uncalled-for sympathy expressed for Illinois here in the Senate, I want to say that the State will take care of itself and will unquestionably sweep away any corruption that may exist. I am not here to apologize for Illinois; I take great pride in representing it in this body, and I consider that its people by electing me for five successive terms have honored me to a greater degree than by an election to the highest office within the gift of the Nation.

INTERNATIONAL PEACE ENDOWMENT.

Mr. ROOT. I ask unanimous consent to call up the bill (S. 10491) to incorporate the Carnegie Endowment for International Peace. It could not be incorporated under the general statute, because of the limitation upon the amount.

Mr. BAILEY. Does this confine it to a District of Columbia incorporation?

Mr. ROOT. Yes. I propose to offer a committee amendment which will confine it to a District of Columbia incorporation. The bill has been drafted following the lines of several similar acts which have been passed by both Houses.

Mr. BAILEY. I myself have no objection if it is a District of Columbia corporation. From what committee does the bill come?

Mr. ROOT. It comes from the Committee on the Library.

Mr. BAILEY. I have no objection, with the understanding that it is a District of Columbia corporation.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection to the request of the Senator from New York for the consideration of the bill?

Mr. KEAN. Let the bill be read.

Mr. JONES. What is the request?

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the immediate consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 10491) to incorporate the Carnegie Endowment for International Peace.

Mr. JONES. I object to its present consideration.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

CERTAIN LANDS IN MINNESOTA.

Mr. NELSON. From the Committee on Public Lands, to which was referred the bill (H. R. 32222) authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota, I report it favorably, with an amendment, and I submit a report (No. 1109) thereon. It is a local bill, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 8, before the words "four dollars," to strike out "not less than."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time, the bill was read the third time, and passed.

GUILFORD COURT HOUSE BATTLE.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina, which were to strike out all after the enacting clause and insert:

That the sum of $30,000 be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a monument on the battlefield of Guilford Court House, in Guilford County, N. C., to commemorate the great victory won there on March 15, 1781, by the American forces commanded by Maj. Gen. Nathanael Greene, and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated in the Battle of Guilford Court House: *Provided*, That the money authorized to be appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument shall be first approved by the Secretary of War, with the assistance of the officers of the Guilford Battle Ground Co., before any money so authorized to be appropriated is expended: *And provided further*, That the site for said monument within the limits of said battlefield of Guilford Court House shall be selected by the Secretary of War and donated free of cost to the United States: *And provided further*, That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Co., it being expressly understood that the United States shall have no responsibility therefor; and it being further understood that said Guilford Battle Ground Co. shall provide for the public use an open highway thereto.

The title was amended so as to read: "An act to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the Battle of Guilford Court House, N. C."

Mr. OVERMAN. I move that the Senate concur in the House amendments.

Mr. GALLINGER. Is this a Senate bill, I will ask the Senator from North Carolina?

Mr. OVERMAN. Yes; it is a Senate bill amended by the House.

Mr. GALLINGER. There is a somewhat singular circumstance connected with the matter of erecting monuments to the great soldiers of the Revolution. I think this must be the third bill in the last two or three years that has provided for monuments in North Carolina.

Mr. OVERMAN. I think not, Mr. President.

Mr. GALLINGER. I have been instrumental in passing bills through the Senate six or eight different times for monuments to Gen. Stark and Gen. Miller, but they seem to get lost somewhere. However, North Carolina always turns up with favorable action. I am not going to play the dog in the manger in this matter, but I do hope that North Carolina will desist from further importunities until New Hampshire has some little recognition.

Mr. OVERMAN. I voted for the Senator's bill.

Mr. GALLINGER. Yes.

The PRESIDING OFFICER. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

THE CALENDAR—MEASURES PASSED OVER.

Mr. SMOOT. Regular order, Mr. President.

Mr. KEAN. Yes; let us have the regular order, which is the calendar under Rule VIII.

The PRESIDING OFFICER. The regular order is the calendar under Rule VIII, and the first bill in order will be stated.

The bill (S. 3528) to reimburse depositors of the Freedman's Savings & Trust Co. was announced as first business in order.

Mr. KEAN. Let the bill be passed over.

The PRESIDING OFFICER. The bill goes over.

The concurrent resolution (S. Con. Res. 16) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc., was announced as next in order.

Mr. SMOOT. Let it go over.

Mr. KEAN. Let that be passed over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

Mr. KEAN. I suggest that we begin on the top of page 4.

Mr. CULBERSON. We on this side of the Chamber are unable to hear the Senator from New Jersey.

Mr. KEAN. I suggest that we begin at the top of page 4.

Mr. BORAH. Regular order!

Mr. CULBERSON. The regular order has been demanded.

The PRESIDING OFFICER. The regular order is being executed.

The bill (H. R. 10584) providing for the adjustment of the claims of the States and Territories to lands within national forests was announced as the next business on the calendar.

Mr. JONES. The Senator from Idaho [Mr. HEYBURN] is not here. I know he is very much opposed to this bill, and I do not like to have it taken up during his absence. Therefore I will ask that it go over, though I should very much like to have the bill passed.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 8083) to provide for the handling of mail on which insufficient postage is prepaid, and for other purposes, was announced as next in order.

Mr. CULBERSON. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 7668) to grant certain lands to the city of Colorado Springs, the town of Manitou, and the town of Cascade, Colo., was announced as the next business on the calendar.

Mr. KEAN. Let it go over.

The PRESIDING OFFICER. The bill goes over.

RETURN OF LOUISIANA BONDS.

The bill (S. 7180) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and city of New Orleans was announced as next in order.

Mr. BULKELEY. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

MORTON INSTITUTION OF AGRICULTURE AND FORESTRY.

The bill (S. 7902) to promote the science and practice of forestry by the establishment of the Morton Institution of Agriculture and Forestry as a memorial to the late J. Sterling Morton, former Secretary of Agriculture, was announced as next in order.

Mr. SMOOT. I ask that the bill be placed under Rule IX.

Mr. BURKETT. I ask the Senator from Utah not to have it placed under Rule IX. Some time before the session ends I desire to ask the Senate to consider the bill.

Mr. SMOOT. I will withdraw the request.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate joint resolution 134.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

Mr. PERCY. Mr. President, this question has been so long before the public and has been so thoroughly discussed and the arguments in favor of the joint resolution have been presented with such signal ability during the debate in this Chamber by the Senator from Idaho [Mr. BORAH], the Senator from Maryland [Mr. RAYNER], and others who have spoken on it, that I do not propose to add anything to the general discussion.

The State which I have the honor in part to represent has, through its legislature, declared in favor of the election of Senators by a direct vote of the people. In that State we have now, under the primary election system which obtains there, the benefits which are sought to be conferred by the joint resolution, having there a primary election by a majority of the electors. But there are some phases of the question which have been developed in the discussion here to which I should like to briefly advert.

The parts of the Constitution which will be affected by the joint resolution are section 3 of Article I:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years, and each Senator shall have one vote.

And that part of paragraph 2 of the section providing that vacancies during the recess of the legislature of any State may be filled by temporary appointments by the State executive. Paragraph 1 of section 4 provides the times, places, and manner of holding an election for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

The changes wrought by the proposed resolution are that Senators shall be elected by the people, the electors in each State having the qualifications requisite for electors of the most numerous branch of the State legislature, this being the provision now applicable to the electors of Members of the House of Representatives:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

The provision giving Congress the power to make or alter such regulations is omitted. Vacancies in the Senate are filled by election by the people.

The effect of the amendment suggested by the Senator from Utah [Mr. SUTHERLAND] is that the provision giving Congress the power to make or alter regulations, except as to places of choosing Senators, shall be added to the resolution as reported by the committee. If the Republican friends of this resolution take the position that without the Sutherland amendment the resolution withdraws a substantial power from the Federal Government and they can not therefore support it, and the Democratic friends of the resolution take the position that with the Sutherland amendment a substantial power is conferred upon the Federal Government and with that amendment they can not support it, it is evident that the resolution will be defeated, and that it can be truly said to have been "butchered in the house of its friends."

What is the character of the power in Congress proposed to be withdrawn by the resolution as reported by the committee? It is true that the words giving Congress the power to make or alter the regulations prescribed by the State legislature are omitted, but the power that is conferred by those words is, in fact, almost a merely formal power, a power which never at any time it was contended could go behind the election of the members of the legislature, which accepted the organization of the legislature, and simply inquired into the manner of the election of Senators by that legislature as organized.

The power is correctly stated, as I understand it, by the Senator from Montana [Mr. CARTER] in his speech:

As to the conduct of elections of members of the State legislatures, the Federal Government is now absolutely powerless, under the ancient and unbroken line of holdings on that subject. We accord full faith and credit to the organized legislatures of the State, the body charged with the election of a Senator of the United States, and we inquire only into the conduct of the election by that legislative assembly. There is no power to go back to the polling places.

So the power conferred by that provision is limited merely to the election by the members of the legislature of Senators, and has no operation in the booths where those Members are elected. It is, so far as having control of the election of Senators, a formal power, a shell of a power, and that is the only power that is affected or sought to be withdrawn from the General Government by the joint resolution as reported by the committee.

The effect of the amendment suggested by the Senator from Utah would be to give Congress every power now possessed by it in regard to the elections of Members of the House of Representatives in regard to the election of Senators under the proposed resolution. The extent of that power, under the amendment, is, I believe, properly stated by the Senator from Utah [Mr. SUTHERLAND] in response to an inquiry by the Senator from Georgia [Mr. BACON]:

The effect of the addition proposed by the Senator from Utah, as stated by him, is that it will give the Federal Government power to put agents at elections of Senators to supervise these elections, to see the manner in which the votes were cast, and to enforce what might be thought to be the rights of electors in such elections.

In other words, the effect of the amendment of the Senator from Utah is to extend a substantial, a vital power to Congress which it does not now possess. In the one case, with the language omitted giving this power to Congress, a power is withdrawn which is in its nature formal. In the other case, with that verbiage retained, as it is in the present Constitution, a power is conferred which is in its nature vital.

The question has been asked, Why should there be a difference in the power of Congress in regard to the election of Senators and in regard to the election of Members of the House? The Senator from Montana propounded that query with dramatic effect, as follows:

Why should the power to control the elections of Members of the House be preserved and at the same time relinquished as to the election of members of the Senate, the election in each case being by popular vote as contemplated by the joint resolution? The boundless realms of reason can supply no answer to the question favorable to the attitude of the committee.

I submit, Mr. President, that the question can be answered by propounding the query, Why, because Congerss now has a power which in the judgment of many should never have been given to it, to regulate the elections of Members of the House of Representatives, should the power which it has never had be given to it to regulate the election of Senators?

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. PERCY. Certainly.

Mr. SUTHERLAND. The Senator from Mississippi says Congress has never had the power to regulate the times and manner of the election of Senators, as I understand it.

Mr. PERCY. No, sir; I said the power as it exists under the Constitution is a limited power, giving Congress no power to go behind the organization of the State legislatures.

Mr. SUTHERLAND. That is, the Senator from Mississippi means that Congress has not the power now under the Constitution to regulate the times or the manner of the election of Senators by a direct vote of the people, because no such right to elect Senators exists. Let me ask the Senator——

Mr. PERCY. Excuse me one second. That is not exactly a correct statement of the proposition. The proposition is that the power that does exist applies only after the organization of the legislature has been recognized, and that the vital power to go to the polling booths of the electors who elect members of the legislature has no existence under the Constitution as it stands to-day.

Mr. SUTHERLAND. The power of Congress extends over the electorate as it now exists under the Constitution. Let me ask the Senator from Mississippi: Suppose we pass a resolution here providing simply for the proposition that Senators shall hereafter be elected by a direct vote of the people, does the Senator not recognize the fact that the provision of the Constitution with reference to the supervisory power of Congress would at once, by the force of its own language, apply to such an election, and that it will require a change in the language of the Constitution with reference to the supervisory power to affect that result?

Mr. PERCY. With a change in the verbiage of the Constitution the existing power of Congress is more nearly preserved than with that verbiage left unchanged.

Mr. SUTHERLAND. But if we leave the Constitution as it is, if we simply provide for the election of Senators by a direct vote of the people, and go no further, then the provision of the Constitution with reference to the supervisory power of Congress will at once attach, will it not, to the election by a direct vote of the people as it now attaches to the election by a vote of the legislature?

Mr. PERCY. In my judgment, it would, and with the unchanged verbiage, by changing the method of election, you have extended the power of Congress in a vital particular.

Mr. SUTHERLAND. Then is it not true that the joint resolution seeks to change the Constitution in two particulars; first, to provide for direct election by the people, and, second, to take away from the election of Senators the supervisory power of Congress?

Mr. PERCY. No; because the supervisory power of Congress never has extended to the election of Senators in that vital particular, namely, in the election of members of the legislature who in their turn elect Senators.

Mr. SUTHERLAND. But it will extend——

Mr. PERCY. I do not believe I can state my position any more clearly. The amendment of the Senator from Utah, leaving the Constitution as it stands in that particular, with the unchanged verbiage, works an important and a substantial extension of the power of the Federal Government beyond what that Government has to-day.

Mr. SUTHERLAND. It continues the supervisory power of Congress over the election of Senators notwithstanding the change in the method of election. Is it not true that that is the only effect of it?

Mr. PERCY. That might be another method of stating the proposition, but I conceive that I have stated it more accurately; that it extends the power of Congress to a supervision of the electors at the booths, which power Congress has not under the Constitution and has never been considered to have.

Mr. President, this power conferred upon Congress as to the election of Members of the House of Representatives was conferred simply as an ancillary power to Congress by those who framed the Constitution. We heard from the Senator from Massachusetts [Mr. LODGE] the other day a tribute to the framers of the Constitution which we all appreciated and enjoyed, a tribute which in its ripe scholarship and happy verbiage probably could have been rendered by no other Senator here. And yet, beyond question, the dominant idea in the framers of the Constitution in regard to this clause of the Constitution was that it should only come into play upon the inaction of the States in providing for the election of Members of the House of Representatives. It was an emergent power, to provide against the negation of the Government by failure on the part of the States to act. Yet that emergent power, that ancillary power, by the strange alchemy of oratory here, has been transmuted into the main bulwark of constitutional government.

Why this power should not be extended as to the election of Senators of the United States can best be answered by the statement that the elections should be under the control of the States, that upon the patriotism, upon the honesty, upon the ability of the States to properly conduct those elections depends at last the perpetuity of our Government. In the case of Members of the House of Representatives, although the power in Congress to control their election has existed from the foundation of the Government, it has not been exercised, but these elections have been exclusively under the control of the States, except for 24 years, from 1870 to 1894, when the Federal election laws were on our statute books. I have no hesitancy in saying that in my judgment there never was a day in those 24 years when the welfare of the entire country would not have been promoted by having those election laws stricken from the statute books.

I would not be dealing with the matter frankly if I did not say that the fact that under this clause of the Constitution the Federal election laws were enacted, and under this clause of the Constitution those laws were attempted to be extended by the passage of what is usually known as the force bill, constitutes in my mind a controlling reason as to why this power should not be extended to the election of Senators.

I would not by any word inject any sectional discussion into this controversy, nor would I thresh over any old straw; but it is a mere statement of fact to say that the Federal election laws were regarded by the South as unwise, harsh, and oppressive, and the so-called force bill, under which it was said a bayonet could be put behind every ballot, and which failed of passage through this Senate by a technicality, would, in her judgment, then and now, have arrested her material progress, have destroyed her prosperity, and have given her chaos instead of government.

I know that much water has passed by the mill since the day when that act was offered here, and I believe those evil days of bitterness, misunderstanding, and mutual distrust have gone, possibly never to return. Yet one would find little warrant for that belief in the threat directed by the Senator from New York [Mr. DEPEW] to the Republican friends of this measure, that if they vote for the measure as reported by the committee the Republican Party in the doubtful States would feel the displeasure of the Negro vote in those States. That argument carries with it the suggestion that if the displeasures of that vote is so potential now, at some time in the future, when that vote may be more potential and more numerous than it is to-day, the desire to curry favor with it may prove to be a sufficient incentive for another attempt to enact a force bill for the Federal control of elections of Members of the House and of the Senate.

That same suggestion is carried out in the quotation from Willoughby on the Constitution, made by the Senator from Montana. In the quotation from that author, cited by the Senator, and doubtless with his approval, the author, after reviewing the difficulty attendant upon testing the suffrage provisions of the Southern States under the laws as they stand and under the decisions of the Supreme Court of the United States, makes the suggestion that Congress now has plenary power as to the election of Members of the House of Representatives, and under that power Congress can take control of the elections and of the registration for such elections, and could direct its registrars to refuse to register white voters offering to vote under suffrage provisions deemed by such registrars to be unconstitutional, and thereby such white voters would be forced to appeal to the Federal courts to test their right to vote, and an easy method would be thereby afforded of testing the validity of said suffrage provisions. I do not believe that I misconstrue the meaning of the author. To be certain that I am not misquoting him, I will read the extract:

> In the light of the foregoing unsuccessful attempts to obtain from the Supreme Court relief from the operation of the disfranchisement clauses of the State constitutions we have been considering, the question may properly be asked whether it is constitutionally proper for the Congress to provide by legislation means by which the constitutionality of these clauses may be fairly passed upon by Congress and the appropriate relief given. It would seem that much might be done. As regards congressional elections, Congress has, as we have seen, plenary powers to control and could take complete charge of both the elections and the registration of the voters. In such case the Federal registrars might refuse to register white voters under clauses of the State laws which they might hold to be in violation of the Federal Constitution, and the voter so refused registration would have to seek redress in the Federal courts and set up the validity of these State laws.

Notwithstanding the suggestions of the Senators from New York and Montana, the day may be far distant, if it will ever come, when any political party will again find it expedient to attempt to enact Federal laws for the supervision of elections. But this optimistic hope furnishes no safe reason for extending the power of the Government as to the enactment of such laws, and I would not be dealing in frankness with our Republican allies, who are supporting us in this measure, and for whose patriotism and earnestness in the support of it I have the profoundest respect, if I did not say to them that in my judgment the extension of the power of the Federal Government, as required by the Sutherland amendment, is a price greater than the South is willing to pay for the election of Senators by the direct vote of the people. I have no hesitancy in saying that it is a price greater than it should pay.

The Senator from Utah asks the question, "Is a withdrawal of power from the Federal Government more important than giving to the people the right to elect Senators by a direct vote?" I answer, "Is an extension of the power of the Federal Government more to be desired than that the people shall have the right to elect their Senators by a direct vote?"

I ask the friends of this measure to support the resolution as reported by the committee, a committee consisting of nine Republicans and six Democrats, with, I believe, only two dissenting votes on the report as made, and not to load it down with amendments which, I assure them, in my judgment, will result in the defeat of the resolution.

It has been suggested as one of the reasons for opposing the resolution in the form reported that it would limit the power of the Senate in investigating election frauds. The Senator from Montana has stated the effect of it to be that—

> the right of a person to a seat in the Senate could not be challenged on account of fraud, violence, or corruption at the polls, regardless of the extent to which citizens had been thereby denied equal protection of the laws or the right to vote.

But for the ability of the distinguished Senator making it I would unhesitatingly say that there is not the shadow of merit in the suggestion. Congress has no power and exercises no power to inquire into fraud or violence at the elections either of Members of the Senate or of Members of the House of Representatives under this clause in the Constitution. That power flows from section 1 of Article V, making each House judge of the elections of its own Members. It is under that power that the House of Representatives has been investigating the election of its Members, never stopping at the returns, investigating it fully as to all fraud, all corruption, all denial of the right to vote. Its power under that section is not amplified or extended by the power to take control of the elections of Members of the House, a power which is dormant and has not been invoked for 17 years.

That dormant power has given no additional power to the House of Representatives to investigate the election of its Members. So, Mr. President, the Senate would not be restricted by the fact that the Senate had no power to control the election of Senators as to the extent and scope of its inquiry in regard to the election of its Members, whether there had been fraud or corruption or a denial of the right to vote at such election.

Again, it has been suggested that this provision affects the fifteenth amendment. The Senator from Montana [Mr. CARTER] says that it is a limited, though a substantial, restriction on the fifteenth amendment, and the Senator from New York [Mr. DEPEW] says that it is a virtual repeal of the fourteenth and fifteenth amendments. Mr. President, Congress has never had the power under this clause to investigate the election of Members of the United States Senate in any manner which would directly or indirectly affect the enforcement of the fifteenth amendment. How, then, can the withholding of a power which it has never exercised before tend in any manner to affect the present efficiency of the laws enforcing the fifteenth amendment? In addition to this, as a part of that amendment, Congress, by section 2, is given the power to enforce this article by appropriate legislation. The efficacy of this section 2 to enforce the fifteenth amendment certainly can not be contended to be impaired or restricted by the adoption of the joint resolution as reported by the committee.

The suggestion was made both by the Senator from Montana and the Senator from New York that the chief incentive for southern Senators to support this joint resolution was some supposed recognition of the disfranchisement of the Negro vote. That would indeed be a poor tribute to the intelligence of the southern Senators supporting it.

Mr. President, the South, while contending against any extension of the power of the Federal Government over elections, while abating no jot of her deep-seated conviction that the qualifications for suffrage should have been, and should be, left exclusively to the States, yet is not seeking by direction or indirection to secure the repeal of the fifteenth amendment. Any appeal of that kind from her would fall on deaf ears. If such an appeal is ever to have potential effect, it will have to come from some other section of this Union, as come it may in the fullness of time from some Middle Western or Eastern State,

when the white men of those States shall have grown weary of having their political differences settled by the Negro vote. But until that day comes, or if it never comes, the South realizes that agitation for the repeal of this amendment from her or by her is senseless because of its absolute futility, is wicked because of the train of evil consequences attendant upon such agitation. Such agitation here would raise a sectional question, upon which she would find herself confronted, with past differences forgotten, by the balance of this Union in solid phalanx. In a hopeless minority, shorn of her influence, she would be helpless in the councils of this Nation; and at home agitation for the repeal of the fifteenth amendment would be the golden opportunity for the demagogue, the restless strife breeder, who would win brief popularity by appealing to race passion and to race hatred, by such appeals embittering the relationship between those two races which, under the fiat of Almighty God, for weal or for woe, must work out their fate on southern soil. Speaking for my own State, and I believe for the South, she is seeking to solve or to handle her race problem, the greatest that ever confronted the Anglo-Saxon race, in honesty, in justice, with infinite patience, with infinite charity toward the inferior race, under her own constitution and laws, the wisdom of which has been vindicated by the unparalleled prosperity that has come to both races since their adoption, and the validity of which has been upheld by the Supreme Court of the United States.

Mr. BORAH. Mr. President, I desire, if no one else wishes to speak upon this joint resolution, to ask unanimous consent to have the unfinished business temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent to temporarily lay aside the unfinished business. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

MONONGAHELA RIVER BRIDGE.

Mr. OLIVER. Mr. President, I ask unanimous consent that House bill 31656 may be now considered.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 31656) extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend for one and three years, respectively, from June 25, 1911, the time for commencing and completing the bridge authorized by the act entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. OLIVER. I move that the bill (S. 10438) to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," be indefinitely postponed. It is similar to the House bill which has just been passed.

The motion was agreed to.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 7031, which is the code bill—the judiciary title.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. HEYBURN. I ask that the Secretary proceed with the reading of the sections of the bill.

Mr. CLARKE of Arkansas. Before that is done, Mr. President, I wish to offer an amendment.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. HEYBURN. Yes.

Mr. CLARKE of Arkansas. I wish to offer an amendment to section 246, page 185, of the printed bill. I move to amend by striking out on line 8, on that page, the words "a time 10 years before" and inserting the words "the time of."

Perhaps I had better state what is the purport of the amendment. The purpose of the amendment, if adopted, will be to allow a retiring judge to receive the salary that he is receiving at the time he attains the age of 70 years and has been in service more than 10 years. As the law now exists, if a judge of one of the inferior courts is promoted to one of the superior courts, he is not entitled to receive the salary of the office which he is holding at the time of his retirement, if he should retire upon attaining the age of 70 years after serving 10 years, but is confined to the lower salary which he received as a judge of the inferior court. That operates a manifest injustice not only to the judge, but to the public. It sometimes operates to require judges to serve long after they have attained the age of 70 years in order to be entitled to the salary of the position which they were then holding. It is an obvious oversight in the law, and has no consideration founded in justice or in the efficient administration of the judicial service to support it.

Mr. HEYBURN. Mr. President, for the purpose of the consideration of the amendment proposed by the Senator from Arkansas, I move that the order entered adopting the section be reconsidered.

Mr. CLARKE of Arkansas. I did not know that the section had been adopted.

Mr. HEYBURN. Yes; and I now ask that the vote by which it was adopted may be reconsidered.

The PRESIDING OFFICER. The Senator from Idaho moves that the Senate reconsider its action in agreeing to section 246.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which will be stated.

The SECRETARY. On page 183, section 246, in line 8, it is proposed to strike out "a time 10 years before" and in lieu thereof to insert "the time of."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, I think it is proper that the RECORD should show the effect of the proposed change. This will allow the entire time during which a judge shall serve in two courts to be added for the purpose of completing the term of service.

Mr. CLARKE of Arkansas. That is right.

The amendment was agreed to.

The section as amended was agreed to.

Mr. HEYBURN. Now, Mr. President, I suggest that we recur to the sections passed over. In a number of cases the objection that was interposed has been withdrawn, and to consider and adopt those sections will tend to consolidate the work that is completed.

The PRESIDING OFFICER. The Secretary will state the first section passed over.

The SECRETARY. Section 2, chapter 1, page 3, of the bill.

Mr. HEYBURN. Mr. President, that section had better be read.

The PRESIDING OFFICER. The Secretary will read the section.

The Secretary read as follows.

SEC. 2. Each of the district judges shall receive a salary of $6,000 a year, to be paid in monthly installments; and shall also receive reasonable expenses actually incurred for travel and attendance when designated or requested, in accordance with law, to hold court outside of his district, not to exceed $10 per day, to be paid on the written certificate of the judge; and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

Mr. HEYBURN. Mr. President, for the purpose of making the record complete, I will call attention to the change represented by the proposed section.

In making appropriations for the traveling expenses of United States judges when holding court outside of their respective districts, the act of March 3, 1905 (33 Stat., 1208), imposed the restriction that the expenses should be "actually incurred;" and this restriction has appeared in each act making appropriations for such purpose since that time. Since this restriction seems to indicate the policy of Congress with respect to the allowance of traveling expenses to the judges, those words have been carried into this section.

The words "or requested, in accordance with law," have been added in the fifth line of the section for the reason that in certain instances (sec. 93) a district judge may hold court in another district upon the request of the resident judge, thus making this amendment necessary as a matter of practice. Aside from these proposed changes, the section states in concise terms the existing law.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The next section passed over was section 4, chapter 1, at the top of page 4, which the Secretary read, as follows:

SEC. 4. Except as otherwise specially provided by law, the clerk of the district court for each district may, with the approval of the district judge thereof, appoint such number of deputy clerks as may be deemed necessary by such judge, who may be designated to reside and maintain offices at such places of holding court as the judge may determine. Such deputies may be removed at the pleasure of the clerk appointing them, with the concurrence of the district judge. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the default or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable; and his executor or administrator shall have such remedy for any such default or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

Mr. HEYBURN. Mr. President, section 558 of the Revised Statutes authorizes the judge to appoint deputy clerks, upon the application of the clerk. In view of the fact that in many special cases Congress has provided that the clerk shall appoint the deputies, the committee has so revised the section as to permit the clerk to appoint all deputies, with the approval of the district judge, and has conferred upon the clerk the power to remove any deputy, with the concurrence of the judge. The committee believes that since the clerk is held responsible for the acts of his deputies, he should be given the power of appointment.

Those are the only changes represented, except that the committee has also added a provision that the court may designate the place at which any deputy is to reside and maintain an office. That is for the convenience of the judge where the court is held, either on general or special order, at a different place from where it usually sits. I think those are the only changes it is necessary to call attention to. I move the adoption of the section.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The next section passed over was section 28, chapter 3, page 21, which the Secretary read as follows:

SEC. 28. Any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the district courts of the United States are given original jurisdiction by this title, which may now be pending or which may hereafter be brought, in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature, at law or in equity, of which the district courts of the United States are given jurisdiction by this title, and which are now pending or which may hereafter be brought, in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein, being nonresidents of that State. And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending, or may hereafter be brought, in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant, being such citizen of another State, may remove such suit into the district court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court, without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court, or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that, from prejudice or local influence, he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court, it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States, and the district court shall decide that the cause was improperly removed, and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed.

Mr. HEYBURN. Mr. President, that is a composite of all of the removal acts since 1888. There are many provisions of law that have been enacted in pursuance of or in assistance to the act of 1888. At present when a case brought in a State court is removed to a Federal court it is removed to the United States circuit court. The rearrangement of these courts necessitates the accommodation of the language to the changed conditions which will result from the consolidation of those courts, and wherever such language is necessary to be inserted it has been made a part of the proposed section. The other changes are mere matters of form to adapt it to the changed practice. I move the adoption of the section.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The PRESIDING OFFICER. The next section passed over will be stated.

The SECRETARY. Section 55, chapter 4, page 41——

Mr. HEYBURN. I inquire if section 51 was not passed over.

The PRESIDING OFFICER. It is marked as having been agreed to.

Mr. HEYBURN. Very well.

The PRESIDING OFFICER. The Secretary will state the next section passed over.

The Secretary read section 55, chapter 4, page 41, as follows:

SEC. 55. When in any suit commenced in any district court of the United States to enforce any legal or equitable lien upon or claim to, or to remove any incumbrance or lien or cloud upon the title to real or personal property within the district where such suit is brought, one or more of the defendants therein shall not be an inhabitant of or found within the said district, or shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant or defendants to appear, plead, answer, or demur by a day certain to be designated, which order shall be served on such absent defendant or defendants, if practicable, wherever found, and also upon the person or persons in possession or charge of said property, if any there be; or where such personal service upon such absent defendant or defendants is not practicable, such order shall be published in such manner as the court may direct, not less than once a week for six consecutive weeks. In case such absent defendant shall not appear, plead, answer, or demur within the time so limited, or within some further time, to be allowed by the court, in its discretion, and upon proof of the service or publication of said order and of the performance of the directions contained in the same, it shall be lawful for the court to entertain jurisdiction, and proceed to the hearing and adjudication of such suit in the same manner as if such absent defendant had been served with process within the said district; but said adjudication shall, as regards said absent defendant or defendants without appearance, affect only the property which shall have been the subject of the suit and under the jurisdiction of the court therein, within such district; and when a part of the said real or personal property against which such proceedings shall be taken shall be within another district, but within the same State, such suit may be brought in either district in said State: *Provided, however*, That any defendant or defendants not actually personally notified as above provided may, at any time within one year after final judgment in any suit mentioned in this section, enter his appearance in said suit in said district court, and thereupon the said court shall make an order setting aside the judgment therein and permitting said defendant or defendants to plead therein on payment by him or them of such costs as the court shall deem just; and thereupon said suit shall be proceeded with to final judgment according to law.

Mr. HEYBURN. Mr. President, this is existing law, except that the section covers a doubt raised by a decision of the United States Supreme Court as to whether or not the act of 1875 was entirely superseded by the subsequent act governing this matter. In order that there might be no question about it, your committee has, in apt language, incorporated the words of the exception referred to. The only change in the language other than that just referred to, consists in the omission of the word "that" at the beginning of the section and in the substitution of the words "district court" for "circuit court." I move the adoption of the section.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The SECRETARY. The next section passed over was in the substitute for chapter 5, section 69, on page 6 of the substitute.

Mr. HEYBURN. Mr. President, the Senator from Arkansas [Mr. CLARKE], who was present a few moments ago, desires to propose an amendment to that section. I have sent for the Senator from Arkansas. In the meantime I desire to recur to section 76 of the bill.

Mr. CLARKE of Arkansas entered the Chamber.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Idaho to the fact that the Senator from Arkansas is now on the floor.

Mr. CLARKE of Arkansas. I have examined the assignment of counties to the several districts and subdivisions of districts in the State of Arkansas, and, so far as I am advised, they are about as we want them, and I have no objection to interpose to the amendment offered by the Senator from Idaho.

Mr. HEYBURN. It is satisfactory?

Mr. CLARKE of Arkansas. Yes; it is satisfactory.

The PRESIDING OFFICER. Without objection, the section is agreed to.

Mr. HEYBURN. I ask to recur to section 76 in the bill. In the amendment it is section 76 also.

The PRESIDING OFFICER. What State?

Mr. HEYBURN. Idaho.

A bill that passed the Senate some time during the last session passed the House yesterday, I think; I have that bill here, and I will ask that it be inserted in lieu of the existing provision.

The SECRETARY. In lieu of section 76, as printed, insert the following:

The State of Idaho shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Shoshone, Kootenai, and Bonner shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Latah, Nez Perce, and Idaho shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida shall constitute the eastern division of said district.

SEC. 6. That the terms of the district court for the northern division of the State of Idaho shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October; and the provision of any statute now existing providing for the holding of said terms on any day contrary to this act is hereby repealed; and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed.

That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of the said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court, and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City.

The amendment was agreed to.

Mr. HEYBURN. I move the adoption of the section as amended.

The section as amended was agreed to.

Mr. WARNER. In section 89, page 81, in line 13, I move the insertion of the word "Maries" after the word "Lincoln."

Mr. HEYBURN. I move that the action of the Senate in adopting section 89 be reconsidered and that the section be open to amendment.

Mr. WARNER. Pardon me; I did not know that it had been acted upon.

The PRESIDING OFFICER. The motion to reconsider is agreed to. The section is before the Senate, and the Senator from Missouri offers an amendment, which the Secretary will state.

The SECRETARY. In the revised chapter, page 34, line 25, after the word "Lincoln," insert the word "Maries," and on page 36, line 11, after the word "Howard," strike out "Maries."

Mr. WARNER. A bill for this purpose has passed the House and Senate.

Mr. HEYBURN. There is no objection to the amendment.

Mr. SMITH of Michigan. I move to amend, in section 86, page 29, line 9, by striking out the words "Shiawassee, Genesee," and inserting the words "Genesee, Shiawassee" after the word "Crawford," in line 4, page 29.

The SECRETARY. On page 29, of revised chapter 5, strike out the words "Shiawassee, Genesee" and insert them in line 4 after the word "Crawford," in the order "Genesee, Shiawassee."

Mr. HEYBURN. I call the attention of the clerk to the fact that that reference by number and page will have to be adapted to the bill, because the amendment becomes a part of the bill, and the paging will be consecutive in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Michigan.

The amendment was agreed to.

Mr. HEYBURN. Section 69 was reserved, as the Senator from Arkansas made some objection. The objection is withdrawn, and that is marked as adopted.

The PRESIDING OFFICER. It is marked as having been agreed to.

Mr. HEYBURN. It has been agreed to?

The PRESIDING OFFICER. It has been agreed to.

Mr. HEYBURN. Now we are ready to proceed in order.

Mr. SUTHERLAND. I desire to ask the Senator from Idaho whether all the passed over sections have been disposed of.

Mr. HEYBURN. They have not all been disposed of. We are taking them up in their order.

Mr. SUTHERLAND. I want to suggest one or two amendments.

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. My attention has been diverted, and I have not noticed just what point we have reached in the bill.

Mr. HEYBURN. We have disposed of some amendments that have been offered to various sections, and I believe section 55 is the order reached by the clerk in the reading.

Mr. SUTHERLAND. The amendment I have comes in later on.

Mr. HEYBURN. Section 55, on page 41, has just been adopted. The next number passed over, according to my memoranda, is 69.

The PRESIDING OFFICER. That section has been agreed to, the Chair is informed by the Secretary.

Mr. HEYBURN. What is the next number?

The SECRETARY. Section 104, page 53, is the next section passed over, the section relative to South Dakota.

The PRESIDING OFFICER. The section was passed over, having had several amendments placed to it agreed to. State of South Dakota, section 104.

Mr. HEYBURN. That is South Dakota in the amendment. The pages do not run the same.

The PRESIDING OFFICER. The paging is different.

Mr. HEYBURN. I will ask if there are any amendments with the clerk?

The VICE PRESIDENT. Several amendments have already been agreed to in the section.

Mr. HEYBURN. Then I move that the section be adopted as amended.

The VICE PRESIDENT. Without objection, the section is adopted as amended. Section 123 is the next section passed over, on page 123 of the bill.

The Secretary read as follows:

SEC. 123. The clerk of the circuit court of appeals for each circuit may, with the approval of the court, appoint such number of deputy clerks as the court may deem necessary. Such deputies may be removed at the pleasure of the clerk appointing them, with the approval of the court. In case of the death of the clerk his deputy or deputies shall, unless removed by the court, continue in office and perform the duties of the clerk in his name until a clerk is appointed and has qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable, and his executor or administrator shall have such remedy for such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. The next section is section 215, on page 165.

Mr. SUTHERLAND. I desire to suggest an amendment to a section which precedes this one—section 127, on page 126. I offer the following amendment.

The VICE PRESIDENT. Without objection, the vote by which section 127 was agreed to will be reconsidered. The Senator from Utah offers the following amendment.

The SECRETARY. On page 126, line 24, after the words "patent laws," insert "under the copyright laws."

The VICE PRESIDENT. Without objection, the amendment offered by the Senator from Utah is agreed to, and the section as amended is agreed to.

Mr. SUTHERLAND. On page 173, I desire to offer another amendment, in section 227 of the bill.

Mr. HEYBURN. Just a moment. That would cause us to jump over section 215. We will reach section 227 in a moment, when we have disposed of section 215; and unless the Senator particularly desires to present his amendment at this time, I would prefer to proceed in order.

Mr. SUTHERLAND. Very well; I will withhold the amendment.

The VICE PRESIDENT. Section 215 will now be considered. It has already been read. Is there an amendment to be offered? Does the Senator from Idaho desire the section reread?

Mr. HEYBURN. No; I do not ask that it be reread, unless the request comes from elsewhere. I move its adoption.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. Page 172, section 225 is next [reading]:

SEC. 225. Appeals and writs of error may be taken from the district courts, including the United States district court for Hawaii, direct to the Supreme Court in the following cases: In any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision; from the final sentences and decrees in prize causes; in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

Mr. HEYBURN. It was passed over the other day on the motion of the Senator from New York [Mr. ROOT].

Mr. ROOT. Mr. President, I feel very strongly that there ought to be a contraction in the recourse to the Supreme Court for the purpose of the review of decisions of this character. But I have come to the conclusion that it is probably not practicable to secure such a consideration of the subject upon this revision as it ought to receive without imperiling the passage of the revision measure at the present session, and I shall accordingly withdraw my request to have this section passed over in the hope that upon a later occasion the subject may be taken up by a separate bill and the Supreme Court may be relieved from the burden of a number of appeals with which they really ought not to be burdened.

The VICE PRESIDENT. Without objection, the section is agreed to. Without objection, the vote by which 227 was agreed to is reconsidered; and the Senator from Utah offers the following amendment.

The SECRETARY. On page 173, section 227, in line 6, after the word "case," insert "civil or criminal," and in line 9, after the word "otherwise," insert "upon the petition of any party thereto."

Mr. HEYBURN. I call the attention of the Senator from Utah to the effect this amendment would have. Would that include the United States as a party?

Mr. SUTHERLAND. That is the object of it.

Mr. HEYBURN. It permits the United States to ask through certiorari proceedings for a review of a criminal case?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. It is a pretty wide departure, it seems to me. I do not want to enter into much controversy about it, but it seems to me that it is going a good ways from the established rule to allow the United States to review a criminal case by writ of certiorari.

Mr. SUTHERLAND. The object of it is this: Very often in the circuit court of appeals a criminal case has gone off on a purely technical proposition, and there is no way by which the question can be got to the Supreme Court of the United States. I think in some cases it is a great necessity that the Supreme Court of the United States should have the power to review such a case.

Mr. HEYBURN. We hesitated a long time before we allowed the right of appeal to the United States in criminal cases. It is only a few months since we enacted that legislation. Now, if we allow the United States, in a case where there is no right of appeal, to bring up upon certiorari a criminal case that has been decided adversely to the United States, it is going a long way. I will not do more than interpose these suggestions. I had not anticipated any such amendment being offered. It so radically widens the jurisdiction in the matter of appeals in criminal cases that it seems to me that it ought to go to a standing committee—the Judiciary Committee—of the Senate. But I am willing to let it pass in. It will be considered in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. SUTHERLAND. I desire to offer another amendment——

Mr. HEYBURN. Has the section been adopted?

The VICE PRESIDENT. The section as amended is adopted.

Mr. SUTHERLAND. I desire to offer a substitute for section 237, and if that is adopted I shall propose a substitute for the following section, 238.

The VICE PRESIDENT. Section 229 was passed over. It will be acted upon first, if there be no objection. The sections will be taken up consecutively.

The Secretary read section 229, as follows:

SEC. 229. An appeal to the Supreme Court shall be allowed on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds $3,000, or where his claim is forfeited to the United States by the judgment of said court as provided in section 176.

Mr. HEYBURN. The section went over on the motion of the Senator from New York [Mr. ROOT], and I call his attention to it.

Mr. ROOT. I am willing that it should be considered.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. The next section passed over is section 231, on page 174.

Mr. HEYBURN. That also went over on the objection of the Senator from New York.

Mr. ROOT. It may as well be considered.

Mr. HEYBURN. I move its adoption.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. Section 234, on page 176, was also passed over. It reads:

SEC. 234. Appeals and writs of error may be taken and prosecuted from final judgments and decrees of the district court for the District of Alaska or for any division thereof, direct to the Supreme Court of the United States, in the following cases: In prize cases; and in all cases which involve the construction or application of the Constitution of the United States, or in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question, or in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the district courts to the Supreme Court.

Mr. HEYBURN. It went over on the motion of the Senator from New York.

The VICE PRESIDENT. Without objection, the section is agreed to.

The SECRETARY. Section 235, on page 176, was also passed over.

Mr. ROOT. It should have the same disposition.

The VICE PRESIDENT. Without objection, the section is agreed to.

The Senator from Utah offers an amendment to section 237, which the Secretary will state.

The SECRETARY. It is proposed to insert as a substitute for section 237 the following:

SEC. 237. Any final judgment or decree of the court of appeals of the District of Columbia may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States upon writ of error or appeal in the following cases:

(1) In cases in which the jurisdiction of the trial court is in issue; but when any such case is not otherwise reviewable in said Supreme Court, then the question of jurisdiction alone shall be certified to said Supreme Court for decision.

(2) In prize cases.

(3) In cases involving the construction or application of the Constitution of the United States, or the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority.

(4) In cases in which the Constitution or any law of a State is claimed to be in contravention of the Constitution of the United States.

(5) In cases in which the validity of any authority exercised under the United States, or the exercise or scope of any power or duty of an officer of the United States is drawn in question.

(6) In cases in which the construction of any law of the United States is drawn in question by the defendant.

And, except as provided in the next succeeding section, the judgments and decrees of said court of appeals shall be final in all cases arising under the patent laws, the copyright laws, the revenue laws, the criminal laws, and in admiralty cases. Writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the circuit courts of appeals to the Supreme Court of the United States.

Mr. SUTHERLAND. I will state, Mr. President, that the effect of the amendment is to allow an appeal in substantially the same class of cases in which an appeal is now allowed from the circuit court of appeals of the United States. It very much narrows the jurisdiction as it now exists. Under the existing law an appeal may be taken from the court of appeals of the District of Columbia in all cases in which the matter in dispute, exclusive of the costs, exceeds the sum of $5,000.

I see no reason why the Supreme Court of the United States should be burdened with that class of cases. Hence the amendment as I have suggested it very much narrows the class of cases which may be appealed to the Supreme Court of the United States, and to that extent will relieve that court from a great deal of work.

The court of appeals of the District of Columbia is an able court. It is as able a court as we have in the circuits, sitting as a circuit court of appeals, and I see no reason why the class of cases that is made final in the circuit court of appeals should not also be made final in the court of appeals of the District of Columbia.

Mr. HEYBURN. I am thoroughly in accord with the proposed amendment. The committee, as closely as possible, adhered to the rule that they would not introduce new legislation, and for that reason did not propose a change; but the amendment being before the Senate, it is entirely appropriate for this body at this time to make the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The section as amended was agreed to.

The VICE PRESIDENT. The Senator from Utah also offers an amendment to section 238.

Mr. SUTHERLAND. I offer a substitute for section 238.

The VICE PRESIDENT. That section was agreed to. Without objection, the vote by which the section was agreed

to will be reconsidered. The Senator from Utah proposes an amendment, which will be read.

The SECRETARY. In lieu of section 238 insert a new section 238, to read as follows:

SEC. 238. In any case in which the judgment or decree of said court of appeals is made final by the section last preceding, it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried by writ of error or appeal to said Supreme Court. It shall also be competent for said court of appeals, in any case in which its judgment or decree is made final under the section last preceding, at any time to certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for their proper decision; and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon said court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

Mr. SUTHERLAND. That simply confers the same power upon this court that now exists with reference to the circuit court of appeals.

The VICE PRESIDENT. Without objection, the amendment is agreed to, and without objection the section as amended is agreed to.

Mr. HEYBURN. That disposes of the sections that went over and brings us back to the consecutive consideration of the bill. There are some amendments that have been offered, one by the Senator from Virginia [Mr. MARTIN], who is not present. I inquire if the Secretary has a memorandum of any other sections passed over.

Mr. OVERMAN. I inquire of the Senator from Idaho if he has incorporated the amendment I proposed to the interstate-commerce law.

The VICE PRESIDENT. The Secretary's memorandum shows that sections 249 and 250 were passed over at the request of the junior Senator from Idaho [Mr. BORAH].

Mr. HEYBURN. My memorandum so shows, upon a closer investigation.

The VICE PRESIDENT. Without objection, the sections will be agreed to.

Mr. HEYBURN. No, Mr. President; those are the injunction clauses, and I think the Senate should know what they are considering in these cases.

The VICE PRESIDENT. The Senator suggests that the sections be read?

Mr. HEYBURN. I will ask that the junior Senator from Idaho be sent for. I ask that the amendments be read.

The VICE PRESIDENT. There are no amendments to the sections as the Secretary understands it.

Mr. HEYBURN. I understood that my colleague did propose amendments. It is quite sure that the Senator from Virginia [Mr. MARTIN] proposed an amendment. I ask the Secretary if he has the amendment on his desk.

The VICE PRESIDENT. The amendment offered by the Senator from Virginia appears to be to section 251.

Mr. HEYBURN. There is an amendment offered by the Senator from North Carolina [Mr. OVERMAN] as well, which went over.

Mr. OVERMAN. I think the Senator from Idaho is mistaken about that. He said he had the amendment himself to offer. I did not prepare the amendment.

Mr. HEYBURN. I said that I had a copy of it here merely for the convenience of the Senator.

Mr. OVERMAN. The Senator would introduce it, as I understand. It is part of the law of the land and it ought to be brought forward.

Mr. HEYBURN. It is a part of the law and it will be found in its appropriate place in the law as we present it. We have not overlooked it. It comes under the title to which it appropriately belongs.

Mr. OVERMAN. I merely wanted an assurance from the Senator that it would be brought forward.

Mr. HEYBURN. Yes; we are not striking out anything that is law. Everything that is the law will remain in the revision.

Mr. OVERMAN. I did not see it in this revision as reported.

Mr. HEYBURN. It does not come under this particular head.

Mr. OVERMAN. But under any head?

Mr. HEYBURN. Yes.

The VICE PRESIDENT. What disposition does the Senator from Idaho suggest to have made of sections 249 and 250?

Mr. HEYBURN. I will ask that they may go over until my colleague reaches the Chamber, and that we proceed to the next section. He has been sent for.

The VICE PRESIDENT. Without objection, that will be done.

Mr. HEYBURN. I beg pardon, Mr. President. I am advised that my colleague was merely asking on behalf of some other person that the matter be held over. I ask for the adoption of those sections as they are reported.

The VICE PRESIDENT. Without objection, sections 249 and 250 are agreed to. The Senator from Virginia offers an amendment to section 251.

Mr. MARTIN. I offer an amendment as a new section there. The Senator from Oklahoma [Mr. OWEN] I find had already, though I did not know it, offered a similar amendment, and I think he is very much interested in the matter. He is not in the Chamber. I hardly think it would be——

Mr. HEYBURN. I would like very much to close up the consideration of this matter to-day. The committee of conference will consider those amendments. They were offered in another body. I do not feel like entering upon a discussion of that labor question to-day. I hope the Senator from Virginia will let it pass by.

Mr. MARTIN. I will let it pass by, just so that it will not be finally acted upon.

Mr. HEYBURN. If possible I want to dispose of the bill this afternoon.

Mr. MARTIN. I can not agree to that. I think this amendment is entitled to careful consideration.

Mr. HEYBURN. Then let us have a vote on it. Let it be passed for the present. I hope the Senator will send for the Senator from Oklahoma.

The VICE PRESIDENT. The Senator from Oklahoma did not offer the amendment, as is evidenced by the Secretary's record. The amendment was printed at the request of the Senator from Oklahoma to be offered by him, but it has not been offered.

Mr. OVERMAN. Will the Senator inform me where that amendment is to be found?

Mr. HEYBURN. That is not a part of the chapter. It is a part of the interstate-commerce law.

Mr. OVERMAN. It really ought to be under this law, because it has nothing really to do with the interstate-commerce act.

Mr. HEYBURN. I will state to the Senator from North Carolina that the interstate-commerce act is being written into the law, and the subcommittee on form will transfer matters that have been legislated since this was printed and made up to the proper and appropriate chapter.

Mr. OVERMAN. With that assurance I have nothing further to say.

Mr. HEYBURN. That will necessarily follow. We are enacting laws constantly, and after we have completed the consideration of this title and other titles it will be necessary for the committee in determining the form and arrangement of them to transfer them to their appropriate chapters and titles.

Mr. OVERMAN. The reason I suggested it is because, as the Senator well knows, the amendment really is not a part of the interstate-commerce law. It ought to be under the proper head in this law.

Mr. HEYBURN. It will doubtless, in conference, be brought into the law under this head, but we are proceeding with a bill that was introduced and printed before the enactment of that law.

Mr. MARTIN. Mr. President, I send to the desk an amendment, which I offer.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Insert, after section 251, a new section, section 251a, as follows:

SEC. 251a. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant, or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia.

Mr. HEYBURN. I move to lay the amendment on the table. I do not think the Senator intends to press that.

Mr. MARTIN. I do not propose to go into any discussion of the matter, but I want the consideration of the Senate and a vote on it.

Mr. HEYBURN. Let it go to a vote, then; only I do not want to raise the question of a quorum.

The PRESIDING OFFICER (Mr. LODGE in the chair). The question is on the adoption of the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will proceed with the bill.

The SECRETARY. Page 196, chapter 12, section 274——

The PRESIDING OFFICER. Chapter 12 has been read. Are there any amendments?

Mr. HEYBURN. I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the chapter.

Mr. HEYBURN. Not the whole chapter, but by sections.

The PRESIDING OFFICER. Then, the question is on concurring to section 274. Without objection, section 274, as amended, is agreed to.

Mr. HEYBURN. I call attention to the fact that, on line 2, page 197, after the word "the" where it first appears, the word "same" is inserted.

The PRESIDING OFFICER. The Chair intended to call attention to that amendment.

Section 275, without objection, is agreed to.

Section 276, without objection, is agreed to.

Section 277 is agreed to, without objection.

Section 278 is agreed to.

Section 279 is agreed to.

Section 280 is agreed to.

Section 281 is agreed to.

Chapter 13 has not been read. The Secretary will read it.

The Secretary read as follows:

CHAPTER 13.

REPEALING PROVISIONS.

SEC. 282. That the following sections of the Revised Statutes and acts and parts of acts are hereby repealed:

Sections 530 to 560, both inclusive; sections 562 to 564, both inclusive; sections 567 to 627, both inclusive; sections 629 to 647, both inclusive; sections 650 to 697, both inclusive; section 699; sections 702 to 720, both inclusive; section 723; sections 725 to 749, both inclusive; sections 800 to 822, both inclusive; sections 1049 to 1088, both inclusive; sections 1091 to 1093, both inclusive, of the Revised Statutes.

Mr. HEYBURN. I think we might dispense with the reading of these clauses. They will have to be adapted to the action we have taken throughout the entire body of the bill. There will necessarily be changes with reference to some of them. They will have to be reinstated and some more changes made.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the reading of chapter 13 be dispensed with, and that it be agreed to?

Mr. HEYBURN. Yes.

The PRESIDING OFFICER. Without objection, that will be so ordered.

Mr. SUTHERLAND. Except section 286.

The PRESIDING OFFICER. That concludes the bill, unless some section has been passed over.

Mr. SUTHERLAND. The last section, section 286, should obviously be amended. It reads:

That this act shall take effect and be in force on and after July 1, 1910.

I move to amend by striking out the word "ten" and insert the word "eleven," so as to read:

That this act shall take effect and be in force on and after July 1, 1911.

The PRESIDING OFFICER. Without objection, the amendment is agreed to, and the section as amended is agreed to.

Mr. PILES. Page 3, line 15, I move to strike out the word "six" and insert the word "nine."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 2 of the bill, page 3, line 15, before the word "thousand," strike out "six" and insert "nine," so as to read:

Each of the district judges shall receive a salary of $9,000 a year.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. PILES. On page 120, line 18, I move to strike out "seven" and insert "ten" before the word "thousand," so as to read:

They shall be entitled to receive a salary at the rate of $10,000 a year.

This relates to the circuit judges.

Mr. BRISTOW. That proposes to increase the salary of the circuit judges to $10,000?

The PRESIDING OFFICER. It does. It raises the salary from $7,000 to $10,000.

Mr. BRISTOW. I think on an important matter like that there ought to be a quorum to consider it.

The PRESIDING OFFICER. The Senator from Kansas raises the point of the absence of a quorum.

Mr. PILES. I withdraw the amendment for the present. I do not want to interfere with the bill.

The PRESIDING OFFICER. It is too late. The point of no quorum has been made. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	McComber	Scott
Bourne	Cummins	Martin	Shively
Bradley	Depew	Nelson	Smith, Md.
Briggs	Dillingham	Oliver	Smoot
Bristow	du Pont	Overman	Sutherland
Brown	Fletcher	Owen	Swanson
Bulkeley	Flint	Page	Taliaferro
Burkett	Gallinger	Percy	Taylor
Burton	Guggenheim	Perkins	Thornton
Chamberlain	Heyburn	Piles	Warner
Clapp	Jones	Rayner	Watson
Clarke, Ark.	Kean	Richardson	Wetmore
Crane	Lodge	Root	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. PILES. The Senator in charge of the bill tells me he is very anxious to conclude it, at least in Committee of the Whole, this afternoon, and I will not press the amendment at the present time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HEYBURN. That disposes of the consideration of the bill.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to amendment. If no amendment be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. BRISTOW. I understand there was an amendment just incorporated increasing the salary of the United States district judges.

Mr. HEYBURN. No; it was withdrawn.

The PRESIDING OFFICER. That amendment was agreed to.

Mr. HEYBURN. All that goes out.

Mr. BRISTOW. Does it go out? That is what I want to know.

The PRESIDING OFFICER. Then the vote will have to be reconsidered.

Mr. HEYBURN. The Senator from Washington withdrew it. If the record shows it is in the bill, I move that the vote be reconsidered by which the section was adopted and the amendment was agreed to.

Mr. PILES. That is entirely satisfactory to me. It was my purpose to increase the salaries of the district and circuit judges and the Justices of the Supreme Court of the United States. Of course, I have no desire to increase one unless we increase all.

The PRESIDING OFFICER. The question is on reconsidering the vote by which an increase of the salary of the district judges was agreed to. Without objection, the vote will be taken as reconsidered, and the amendment is withdrawn. Section 2 stands agreed to without amendment.

Mr. ROOT. I move to strike out section 274. I do that because I wish to record a vote against the abolition and consolidation of the circuit and district courts. I do not wish to take up the time of the Senate. I assume it will follow the committee; but I am not satisfied with the provision, and I wish an opportunity to vote against it.

The PRESIDING OFFICER. The Senator from New York moves to strike out section 274, which consolidates the district and circuit courts.

Mr. BACON. Mr. President, I do not intend to detain the Senate with any argument on the subject. I wish to take issue, however, with the distinguished Senator from New York in the assumption that the Senate is going to follow the committee in that matter. I should be very reluctant to believe that the Senate, when I know they have not had the opportunity to consider it, would, upon so important a matter, follow the committee, and for one I shall vote in favor of the motion to strike out the section.

I am not willing, Mr. President, that a system of the judiciary which has lasted for 120 years, and about which there has been a complete adjudication of all their relative rights and

powers, shall be stricken out without the most thorough consideration, not simply by a committee but by the Senate itself, which I think it has not had. I, myself, am not in favor of it, and I am unwilling that the suggestion of the Senator from New York should pass and thereby indicate that it was regarded as a foregone conclusion. I should think that the conservative position of the Senate would be in the affirmative on the motion and in the negative on the proposed change until they had been satisfied that it was one thoroughly justified, and that I do not believe the Senate has had the opportunity to determine.

Mr. HEYBURN. Mr. President, if the section is stricken out, then all that has been done in this Congress will have gone for naught, because the entire bill is based upon that proposition, and it would have to be redrawn and reconsidered. I sincerely hope that the Senator will be content with expressing his objection either by remarks or through his vote, but it is too grave a matter; it is rather appalling to those who have had charge of it to suggest that the enacting clause—and that is what it amounts to—of the bill be stricken out at this period of the session of Congress and of the consideration of the bill. Every section of this bill is drawn upon the basis of the change. I sincerely hope the Senate will not strike it out. I say that very seriously to the Senator from Georgia.

Mr. BACON. I wish to reply to the Senator with the utmost seriousness, if he will permit me. I will wait until he has finished.

Mr. HEYBURN. I have yielded the floor.

Mr. BACON. I have not any disposition to interfere with the Senator.

Mr. HEYBURN. I have yielded the floor.

Mr. BACON. Thank you. Mr. President, the Senator suggests a very serious alternative, whether we shall adopt the amendment offered by the Senator from New York or whether we shall strike out all of the bill after the enacting clause. I want to say to the Senator with the utmost seriousness, equally so with that which he expresses for himself, that if the alternative is presented between the proper consideration by the Senate of legislation which affects the whole body of the Federal statutes, the serious and the careful consideration of that, or, on the other hand, the refusal to enact it without such consideration, I would unhesitatingly vote for striking out all after the enacting clause.

I wish to say, Mr. President, in the hearing of the Senate, that the thing which the Senator suggests as that which would constitute such an enormity, to wit, the striking out all after the enacting clause, relates to legislation of this grave and far-reaching character, in the consideration of which the Senate has taken no part. I do not minimize or depreciate in any manner the work which has been done by the committee. They have labored very arduously, and I have no doubt with the utmost fidelity; but it is a work which has been confined to that committee. Day after day we have been in the Senate with this most far-reaching legislation under consideration, with not an average of half a dozen Senators in this body listening to it. That is the truth. There has not been an average of half a dozen Senators sitting in this Chamber when there is a proposition to enact a body of laws which shall cover the entire civil code.

Mr. HEYBURN. Will the Senator permit an interruption there?

Mr. BACON. I do.

Mr. HEYBURN. It certainly was not the fault of the committee that there was not a sufficient attendance.

Mr. BACON. Oh, no.

Mr. HEYBURN. This bill has been on the desks of Senators and it has been in order for consideration since March 7, 1910, for almost a year.

Mr. BACON. The Senator is eminently correct in stating that it is not the fault of the committee; and there can be no reflection upon the committee in the matter.

I repeat that the committee have been most industrious and indefatigable in its work, and I have no doubt they have been guided solely by a desire to change the laws in such particulars in which they think it important that there should be changes. There is no question about that whatever. Nevertheless, the fact exists that it is a matter on which we are called to vote now solely upon the judgment of the committee, and that the Senate itself has not taken such part in its consideration as will enable Senators to judge by their own knowledge, but they are limited necessarily by their confidence in the committee.

Mr. SUTHERLAND rose.

Mr. BACON. I do not know whether the Senator from Utah desires to interrupt me.

Mr. SUTHERLAND. I did not desire to interrupt the Senator; but I wanted to reply briefly when the Senator had finished.

Mr. BACON. Very well. Mr. President, that is the sole proposition which I make; not that the committee has in any manner failed in its duty, but that the committee has been left so entirely to itself in this matter that Senators have not heard the discussion and the majority of them know nothing about the bill. Some few may have studied it in their rooms; I do not know; but it is a most serious proposition that the Senate shall, in utter want of personal information, vote for some of these far-reaching propositions, one of which is to entirely transform the framework of our judicial system and practically to wipe out the circuit court of the United States. For myself I am not willing to vote for it.

Mr. SUTHERLAND. Mr. President——

Mr. BACON. And I want to say, if the Senator will pardon me one moment, something I intended to say before. Of course, it is a matter of some delicacy for a member of a committee to suggest that a bill ought to be referred to that committee, especially when the bill has had the very careful consideration of another committee; but I do think, Mr. President, that I may be pardoned for saying that anything which relates to the great body of the law—not simply one bill, but to the great body of the civil portion of our law—should go to the Judiciary Committee of the Senate for its final consideration, no matter how careful another committee may have been in its consideration. You have a law committee; you have selected its members presumably with a view to their competency to deal with such questions; and while it is proper that there should have been a Committee on the Revision of the Laws when it is apparent, as it is here, that the committee has not been simply revising and codifying the laws, but that they are proposing serious changes, it seems to me it is nothing but proper that this bill, after it has been thus thoroughly considered by the Committee on the Revision of the Laws, should go for final consideration to the Committee on the Judiciary.

Mr. SUTHERLAND. Mr. President, as the Senator from Idaho [Mr. HEYBURN] has well said, if this section shall be stricken out of the bill, the entire bill might as well be abandoned, because it is framed upon the theory that we shall hereafter have but one court of original jurisdiction, instead of two, as we have at present. To my mind, if there is any absurdity in the Federal judicial system, it consists in the fact that we have to-day two separate and distinct courts of jurisdiction—a circuit court of the United States and a district court of the United States. Jurisdiction has been conferred upon the district court in a class of cases which might as well have been conferred upon the circuit court and jurisdiction has been conferred upon the circuit court which might as well been conferred upon the district court. The way in which the jurisdiction has been conferred upon these separate courts is altogether arbitrary. There is absolutely no reason why the circuit court should possess a certain class of jurisdiction rather than that it should be possessed by the district court. The vital thing is to have a court of original jurisdiction for the trial of cases, and then a court of appellate jurisdiction, which may review the decisions of the trial court.

I venture to say that if this provision in the bill is adopted it will save to the United States at least $250,000 a year in the judicial expenses of this Government. We have this condition of affairs, for example: There are some States in the Union in which court clerks, under the law, are allowed double fees.

Take California, for example. There are two district courts and two circuit courts, each possessing original jurisdiction in that State. There is a clerk of each of the circuit courts and a clerk of each of the district courts of those districts—four clerks—and they have double fees. The maximum salary allowed is $3,500, and, under the law which allows them double fees, each of those clerks receives $7,000, so that we have four clerks in that State in those four separate courts of original jurisdiction paid an aggregate of $28,000 for clerical services. If we will wipe out of existence this altogether useless circuit court and confine the original jurisdiction to the district court, we will wipe out of existence every condition of that kind, and there will, instead of being four clerks, be but two clerks. Under this bill each of those clerks will receive a maximum salary of $3,500 a year—$7,000 in the aggregate instead of $28,000 as at present.

Dockets are duplicated. If you go into a Federal court of original jurisdiction to-day, the clerk will first read the journal of the district court kept in a separate docket. That is approved. Then he reads the journal entries of the circuit court and they are approved. Two sets of books are in many instances kept, and there are two separate corps of clerks. There is

absolutely no need of that condition. I can see no reason in the world why the original jurisdiction should not be conferred upon a single court. The two courts were created at a time when there may have been some necessity for it, but the work of the circuit judges now is confined practically to sitting in the circuit court of appeals. This bill, however, does not destroy the flexibility which exists under the present law. The circuit judge may still go to the district court and hold court, only he will hold as a circuit judge presiding over the district court.

The flexibility, however, of the whole system which permits an interchange of judges is not in any manner affected by this change in the law while we are getting rid of the conditions of which I have spoken, which are immensely expensive to the Government.

I think this provision is the most vital, the most important, and the most valuable provision of this bill, and I think it would be a misfortune if it were stricken out.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York [Mr. ROOT] to strike out section 274 of the bill.

Mr. CLARKE of Arkansas. Mr. President, I do not think this section is condemned by any defect in the parliamentary procedure by which it has been advanced to its present stage. It has merits of its own. They have been very succinctly and correctly stated by the Senator from Utah [Mr. SUTHERLAND]. They are familiar to every lawyer who practices in the smaller districts or in the smaller cities of the country. I do not know how they strike the Senator from New York [Mr. ROOT], because I am not familiar with the practice which obtains in New York. That is exceptional; and a condition that might make for the continuation of those courts at that particular place would be wholly inapplicable elsewhere.

As a matter of fact, the district judges have been holding circuit court for the last 15 years, and I doubt if there is a lawyer upon this floor who has ever seen within that time a circuit judge holding circuit court in his State. They are overburdened with business before the appellate court of which they are the judges. So much is that the case that the district judges are frequently called to the appellate bench to assist in the dispatch of business there.

The district courts were originally established and had all of the original Federal jurisdiction that was conferred by the acts of Congress. After a while the business became a little more congested, and additional judges were provided, who were called circuit judges. They were invested with appellate powers over certain criminal cases tried by district judges, certain admiralty cases tried by district judges, and patent cases tried by district judges, and, under the original bankruptcy law, certain cases were required to originate in the district court and be heard upon appeal by a circuit judge of the circuit court and, by assignment, by certain members of the Supreme Court.

That system prevailed until 1891, when it was found to have outgrown its usefulness, and more modern and effective methods were required to meet the judicial demands of the occasion, and circuit courts of appeal were created. Since that time it has been a rare exhibition to find a circuit judge holding a circuit court or a district court at nisi prius.

The purpose of this amendment is to simplify and to rationalize the courts of original jurisdiction. It gives to the judge of the district court all the jurisdiction that is now lodged in him as district judge and ex-officio judge of the circuit court. It has many useful features, which have been pointed out at some length by the Senator from Utah. The saving of expense and the simplification of procedure and practice are the things that justly commend it to lawyers who are actively identified with the business that transpires in those courts. Such a thing as, for instance, an appeal on an admiralty case being tried by a circuit judge never happens, and yet it can not be tried by the district judge who heard it; it must stand there until some circuit judge finds an opportunity to go down to the circuit and try it. This results in cumbersome and unnecessary practice, and it inordinately increases the expense by maintaining useless clerks and imposing upon the judges the necessity of diverting business from the circuit courts to the district courts. It is an excrescence upon the judicial system of the United States that ought to be simplified in the manner pointed out here.

That is the result of my observation, and I think it is the result which the American Bar Association has reached, because they formulated and favored just this change. I have never yet heard an objection to it that did not either consist of a desire to continue certain clerks in office or a sentiment, such as has been expressed by my distinguished friend from Georgia [Mr. BACON], in favor of the continuance of things that are somewhat old and have in many respects vindicated the wisdom of those who prescribed them.

I think we have reached a crisis—probably so strong a word as that should not be used—but I think we have reached in the revision of the laws the necessity for just such a change as is made here. It will promote the simplicity of practice and it will very largely reduce the expense. It will assign to their appellate functions the judges of the circuit court, and it will reserve their right to appear upon the district bench, just as it reserves in favor of the judges of the Supreme Court of the United States whenever an occasion of sufficient importance seems to make it necessary, the right to sit in the circuit court. Judges of the district court habitually hold circuit court now, so much so that lawyers of middle age can scarcely remember the time when a circuit judge appeared to aid them. I think the reform is called for by the demands which have induced its incorporation into this bill. I do not quite appreciate the force of the suggestion that the present procedure be retained simply because it has been the law for so many years in the past.

Mr. HEYBURN. Mr. President, I merely want to say before closing that this change is recommended by two of the present Justices of the Supreme Court of the United States, and you will find in the RECORD of January 27, when this bill was under consideration, where they expressly recommended it. The American Bar Association has recommended it more than once. It has been recommended by every judge to whom it has been presented. I know of no exception. I have not brought the letters here, but I have a great deal of correspondence from the foremost lawyers of the United States and from judges who are in daily contact with the situation.

As the Senator from Washington [Mr. PILES] suggests, in some sections of the country the clerk opens two courts, one right after the other, and has to close two courts, when, as a matter of fact, there is but one judge sitting on the bench. There are two books lying before the clerk, one of the district court and the other of the circuit court. I think, if Senators have given this matter the attention which I hope they have, that their minds will rest easy as to the wisdom of this change.

Mr. BACON. Mr. President, there is no doubt that there are very grave reasons in support of the proposed change. At the same time, there are many to the contrary. I desire to state, in response to the suggestion of the Senator from Arkansas [Mr. CLARKE], that whatever may be the practice in his part of the country, in other parts of the country the circuit judges do try cases at nisi prius. I think I can say with confidence that the year never passes, and has not passed in the last 15 years, that the circuit judges do not preside at nisi prius in the circuit courts in my State and in other States of the fifth circuit. The Senator from Virginia [Mr. MARTIN], who sits next to me, says that it is still the practice in his circuit for the circuit judges to preside in the trial court. I am not informed——

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Under the terms of the bill that will not be prevented in the future. The circuit judge may still hold court, only he will hold a district court instead of a circuit court.

Mr. BACON. Mr. President, I think the reply to that is that it is a matter of such grave importance that it ought to be examined into most thoroughly before we make the change, and therefore it ought to be considered, not in the way in which it can only be considered this evening, in an almost perfunctory manner, but that it ought to go to the Judiciary Committee, and it ought to be most thoroughly considered before it is determined upon.

What I was proceeding to say at the time the Senator from Utah [Mr. SUTHERLAND] made his suggestion was that I am not informed, as some Senators now say they are, of the action of the American Bar Association to the effect stated by them. I did not happen to be where I could be easily informed when the last meeting of the American Bar Association was had, but my information of their action, received from others, was to the contrary. I do know the fact that a very large body of lawyers who are members of that association joined in an extensive address, in which the reasons are set out at length why the particular change that is now proposed should not be had. That address was signed by lawyers from all of the nine circuits of the United States, prominent lawyers, headed by Mr. Choate, of New York, as one of them. I gave it to the Senator from New York [Mr. ROOT], and he now has it in his possession. I am sorry that I have not it here in order that it may be read. I had no idea that the Senator from Idaho proposed to have a final vote on this question this afternoon or I should have asked the Senator from New York to bring it here in order that it might be presented to this body.

Mr. ROOT. Mr. President, let me say that unfortunately I have not that paper here. I did not suppose that the bill would be pressed to a final passage this afternoon. It certainly is a paper entitled to very full and respectful consideration. I think, however, the action of the American Bar Association on this subject, to which reference has been made, was taken a good many years ago.

Mr. HEYBURN. Mr. President, I trust the Senator from Georgia will not ask that the bill go over. It has been a long story, and every Senator has had the opportunity to be heard. I sincerely hope that the Senator will not ask that it go over, because I am sure that the Senate is ready to act upon it now and get this bill in shape so that it may pass this and the other House of Congress at this session.

Mr. BACON. Mr. President, what I desired to call to the attention of the Senate was the fact that it is a great mistake to suppose that all lawyers are unanimous upon this subject; that the profession is agreed upon the propriety of this change. It is a change so radical in nature and so irrevocable when made that we, the conservative branch of the Congress, ought to pause and be certain of our step before we take it.

I have just been informed by the Senator from Louisiana——

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. BACON. Certainly.

Mr. CLARKE of Arkansas. Would it not have an enlightening effect on some of us for the Senator from Georgia to enumerate some of the reasons why he thinks the change ought not to be made, instead of telling us what is contained in a paper that certain lawyers have signed? Certainly I should like to know some reason why the change should not be made, and I have never yet heard one.

Mr. BACON. If the Senator will consent that the bill shall go over until another meeting, we will be prepared to present some reasons.

Mr. CLARKE of Arkansas. If they are so patent and so numerous the Senator ought to give some of them now.

Mr. BACON. Possibly it is my infirmity that I am not so well informed in these matters as my learned and distinguished and illustrious friend from Arkansas. I sometimes need a little preparation before I assume to say anything to the Senate, which shall be something which may not have occurred already to each and every Member of the body. Possibly the Senator from Arkansas is more fortunate in the fact that he does not need that opportunity. I do need it, and request it when I want it.

Mr. HEYBURN. Mr. President, I should like to say to the Senator from Georgia that the committee has not been favored with these protests or differing opinions to which he has referred. We have had this particular title under consideration for three years, and all that has come to the committee has been favorable to it. We have received the opinions of bar associations, judges, and lawyers from all over the country, and I was not aware——

Mr. BACON. The Senator will pardon me for saying that what I was about to say, at the time my learned and distinguished friend from Arkansas interrupted me, was that the Senator from Louisiana had informed me while I was standing upon the floor that since this matter has been up for consideration he has received a telegram from the president of the National Bar Association stating that the association would like to have the opportunity to further consider this matter before it is finally determined upon. Now there is some authoritative information on the subject. I will state that I myself have letters from circuit judges, in which they very gravely deprecate the change, and if I may have the apportunity I will take pleasure in presenting them to the Senate.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Does the Senator know of any reason that has been urged against this change, save the one that, under it, it is thought that the circuit judges will be prevented from sitting upon the trial bench?

Mr. BACON. Mr. President, I will say that I have a letter addressed to me by Judge Pardee, of the fifth circuit, in which, with reference to this particular proposed change, he sets forth the reasons why he thinks it would be to the disadvantage of the proper administration of the law—not simply the general question as to whether or not there should be a change the effect of which may be misunderstood by some people, but with the provision before him.

Mr. SUTHERLAND. Does the Senator recall any other reason that has been urged by lawyers?

Mr. BACON. I will repeat to the Senator from Utah what I said to the Senator from Arkansas, that I prefer, if I may have the opportunity to do so, to present the reasons properly and fully and not simply to be put upon the stand and be catechised as to particular reasons. I prefer that I shall get the paper which I handed to the Senator from New York, which probably would make four or five printed pages, or perhaps more, signed by the most distinguished lawyers from the nine circuits in the United States, all of them members of the National Bar Association and all of them signing as from the different circuits.

I would prefer that that should be presented in a way that the Senate could have a connected and comprehensive statement of the objections rather than that I should respond to cross-questions and give some few fragmentary and imperfect suggestions in regard to the matter.

Mr. SUTHERLAND. I hope the Senator from Georgia will not think that I was attempting to cross-question him, for I had no such idea; but I will say to the Senator, if he will permit me——

Mr. BACON. I had been subjected to it by the Senator from Arkansas, and I thought his colleague upon the committee was doing the same thing.

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. BACON. I do.

Mr. CLARKE of Arkansas. I beg also to enter a disclaimer. I thought the Senator was approaching the subject in the nature of an objection to the methods by which the measure was brought forward. I thought at this late hour that if there were a great many reasons against the proposed change I should like to know what they were, because I have no interest in the matter, except the public interest, and only have a desire to meet what seems to be the public demand. I do not want to be understood as having offensively or intrusively addressed any inquiry to the Senator from Georgia; and if he has such an impression, I take the opportunity of disclaiming any such intention.

Mr. BACON. On the contrary, Mr. President, I thought the Senator was trying to add some gayety to the occasion, and not that he intended to be offensive in any way whatever.

The VICE PRESIDENT. The question is on the motion of the Senator from New York [Mr. ROOT] to strike out section 274.

Mr. ROOT. Mr. President, I feel very reluctant not to assent to the appeal of the Senator from Idaho [Mr. HEYBURN]. I know how long and faithfully he has labored over this bill, what excellent work he has done, and how grateful we always ought to be to him for doing more than his share of the work of the Senate upon it; but I feel as if I owe it to the gentlemen whose names were subscribed to the paper the Senator from Georgia [Mr. BACON] handed to me, to see that that comes before the Senate before final action upon this matter.

The Senator from Idaho has made very great progress with the bill to-day. He has got it out of the Committee of the Whole and into the Senate; he has got it where there is but one question to determine, which can be determined very shortly by a single vote, and I think the bill might well go over until to-morrow, and that really no very great hardship would be caused by yielding to a desire to look into this matter further.

Mr. HEYBURN. Mr. President, then I merely desire to suggest let us vote on the amendment and have a yea-and-nay vote if necessary. Let us make progress. The amendment is offered in good faith, and let us vote on it in good faith.

Mr. LODGE. Mr. President, this bill has been before the Senate for a year. As I understand, it proceeds on the reform which is embodied in the consolidation of these courts, and it seems certainly on this phase at least to be a very sensible reform. As I have said, the bill has been before the Senate for a year. The committee have taken the utmost trouble; they have brought the bill up here day after day; the Senate has had ample opportunity to consider every part of it; and now at the last moment, when the bill has actually gone out of the Committee of the Whole and is in the Senate, to propose an amendment which practically destroys the bill seems to me not only rather severe on the committee but a pretty serious waste of the time of the Senate. If the bill is all wrong ab initio, we ought to have dealt with it at the start and not now after having spent hours and days of labor over it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. ROOT], to strike out section 274.

The amendment was rejected.

Mr. CRAWFORD. I should like to ask the Senator from Idaho, as I was absent when the bill was being considered, whether the amendment to section 104, relating to the divisions in the State of South Dakota, was adopted—the one proposed the other day.

Mr. HEYBURN. I think the amendment offered by the Senator from South Dakota was adopted, and I think the Senator can rely upon its being kept in the bill.

Mr. CRAWFORD. That is entirely satisfactory.

Mr. HEYBURN. I will refer back to it if the Senator desires.

Mr. CRAWFORD. I only wanted to make sure that it had been adopted.

The VICE PRESIDENT. The Secretary's records show that the amendment was agreed to.

Mr. CRAWFORD. To section 104?

The VICE PRESIDENT. To section 104.

Mr. BRISTOW. Mr. President, of course this is a legal matter, and I have no technical knowledge in regard to it, but with a half a dozen Senators in the Chamber a few moments ago I happened to hear, in the low conversation that was going on between the Senator in charge of the bill and another Senator, that an amendment had been adopted increasing the salaries of all of the district judges in the United States from $6,000 to $9,000 a year.

Mr. HEYBURN. There has been no amendment of the kind adopted, and there has been no increase in the salaries of judges, and they are not dealt with except according to the lines of existing law.

Mr. BRISTOW. Mr. President, I repeat what I said before I was interrupted by the Senator from Idaho, that I was sitting in the Chamber with a half dozen other Senators and I heard it stated that an amendment had been adopted increasing the salaries of United States district judges from $6,000 to $9,000 a year, and another amendment was offered increasing the salaries of the circuit judges of the United States from $7,000 to $10,000 a year. I then suggested that so important an amendment as that should certainly have a quorum of the Senate present to consider it. The quorum was called, and the amendment was withdrawn. The section, as I understand it, was reconsidered, and the amendment that had been adopted increasing the salaries of district judges was withdrawn.

What I desire to inquire now is, How much legislation of this kind has been incorporated into the bill when the Senate was paying no attention to what was going on? How many amendments are there that change the laws of the country that those of us would like to vote against if we knew what they were?

Mr. HEYBURN. I can not tell, except from the fact that the Senator from Kansas is looking directly at me, whether he is propounding a question to me or whether he is in the position he was in a few moments ago when he was interrupted by my suggestion; I can not tell.

Mr. BRISTOW. To relieve the Senator's mind I will propound the question, How many amendments to the laws of this kind have been incorporated into the bill?

Mr. HEYBURN. Of course, I assume that the Senator from Kansas has given conscientious attention to the legislation of this body from beginning to end and that he is pretty thoroughly familiar with this measure. It has been almost constantly before Congress since the 7th day of March last, and it has proceeded upon the lines of incorporating no new legislation into it, except where new legislation was necessary for the purpose of combining statutes that were sometimes inconsistent or apparently conflicting. There is on the Senator's desk a statement that was furnished him, a copy of which I have in my hand, which tells in plain English every change made in every section of this law, and there is also in the Senator's desk a volume, which was placed there on the 7th of March last, which contains the provisions as found in the bill, and opposite that the existing law in full. That has been accessible to every Senator since that time.

And then, in order that Senators' minds might be refreshed, at this session of Congress I again had laid upon their desks, placed in the custody of the proper officers, other copies. So the Senator has had an opportunity to inform himself. Therefore I will simply say that the proposed amendment affecting the judges' salaries was withdrawn; no action was taken upon it; and it is neither a menace of anything that is proposed to be done or evidence of what was done.

Mr. BRISTOW. Mr. President, I desire to state that I had understood, after inquiring of a number of Senators, that there was no new legislation being incorporated into this bill; that it was simply the codifying of existing statutes without changing them; and I have not given that attention to it that I possibly should, because I am not a lawyer, and therefore not skilled in the interpretation of legal phrases. I have inquired frequently of Senators who are lawyers and perfectly capable of understanding the legal phrases that might be incorporated, if they thought any material changes were being made, and they said "No; and then the bill will never pass anyway, and what is the difference?" That reply has been made to me many times. I spoke to a Senator this afternoon, when I called for a quorum, and suggested that they were largely increasing the salaries of the Federal judges by this bill. "Oh," he says, "it will never pass anyway; what is the difference?"

But the bill is about to pass. The effort to incorporate these new amendments into this bill has made me somewhat suspicious. Certainly they were not simply the codification of existing law; and I am inquiring now if other amendments of a similar character have been incorporated into it when the Senate was paying no attention to what was going on, Senators believing that no new legislation was being proposed. That is the question I am asking.

Mr. HEYBURN. I endeavored to answer that question. I would suggest, in passing, that I think a Senator who would make a remark of the kind suggested by the Senator from Kansas would hope that it would be regarded as a confidential communication, because it is not the attitude toward legislation that a Senator would wish to confess—that he was neglecting a duty because he thought a bill would not pass.

Now, I think I have fully answered the Senator's suggestion in regard to new legislation, and, as I think, the Senator might perhaps have been fully informed had he been present when the bill was under consideration.

Mr. BRISTOW. I have been present almost continuously and think I have a very good record, especially as compared with other Senators, in my attendance here, even while this bill was being considered, which heretofore has been the signal for the desertion of Senators from the Chamber. I have not often deserted.

Mr. PILES. Mr. President, the Senator from Kansas seems to think that the matter of increasing the district and circuit judges' salaries, and those of the Supreme Court of the United States, is a new question in this body. It is not a new question here. It has been debated on the floor of the Senate time and time again since I have been here. I have supported amendments of similar import upon different occasions in the Senate. I short time ago an amendment was proposed to this bill in the House of Representatives increasing the salaries of judges along the lines of the proposed amendment which I offered. I do not now recall the extent of the increase. The increases which I sought to have incorporated into this bill did not come as a committee amendment. They came from me as an individual, although I am a member of this committee, and I offered the amendment because it has been considered before the Judiciary Committee time and time again, and that committee has favorably acted upon the proposed increase in the salaries of the district judges, the circuit judges, and the Justices of the Supreme Court of the United States.

Speaking for myself, I do not think this Government can justify itself in paying to the distinguished men who serve our country in the capacity in which they do the meager salaries which we now pay them, and, so far as I am concerned, upon every occasion I shall use my voice and vote, when necessary, to give them a reasonable salary for the services which they render to this country.

Mr. BRISTOW. I should like to inquire if the Senator from Washington had any difficulty in getting an able lawyer to fill the position of district judge in his State at the salary fixed by law when the recent vacancy occurred. I desire to state that in my judgment the United States judges are the best paid of all the Federal officeholders, with the exception of the President. Their life tenure, without additional expense incident to their office, and the great honor of the position makes the place exceedingly attractive to lawyers of ability and renown.

Mr. PILES. I do not care to take up any of the time of the Senate in a colloquy of this character. I withdrew my amendment at the earnest solicitation of the Senator from Idaho, who has labored incessantly for about three years in this work, as I know, because I have been with him, and he was exceedingly anxious to get the bill passed this afternoon. He said the amendment would lead to debate, and asked me as a personal favor to withdraw my amendment. I did so, and I will not take up further time in a colloquy of the character proposed by the Senator from Kansas.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 9, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1911.

SURVEYOR OF CUSTOMS.

Luther C. Warner, of New York, to be surveyor of customs for the port of Albany, in the State of New York, in place of William Barnes, jr., whose term of office will expire by limitation February 28, 1911.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Robert A. Herring to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from October 5, 1910.

REGISTERS OF LAND OFFICE.

William F. Haynes, of Washington, to be register of the land office at Waterville, Wash., his term having expired May 10, 1910. (Reappointment.)

John W. Price, of Wyoming, to be register of the land office at Douglas, Wyo., his term expiring February 12, 1911. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Alfred C. Steinman, of Washington, to be receiver of public moneys at North Yakima, Wash., his term having expired January 28, 1911. (Reappointment.)

Lucius B. Nash, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash., vice Samuel A. Wells, term expired.

John Edward Shore, of Leavenworth, Wash., to be receiver of public moneys at Waterville, Wash., vice Walker A. Henry, term expired.

Samuel Slaymaker, of Wyoming, to be receiver of public moneys at Douglas, Wyo., his term expiring February 12, 1911. (Reappointment.)

THIRD ASSISTANT POSTMASTER GENERAL.

James J. Britt, of North Carolina, to be Third Assistant Postmaster General, to which office he was appointed during the last recess of the Senate, vice Abraham L. Lawshe, resigned.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps with rank from February 6, 1911.

Omar Heinrich Quade, of Missouri.
Guy Logan Qualls, of Missouri.
Leopold Mitchell, of Louisiana.
Philip Barry Connolly, of New York.

POSTMASTERS.

IDAHO.

Charles H. Andrews to be postmaster at Wendell, Idaho. Office became presidential July 1, 1910.

NORTH DAKOTA.

H. F. Irwin to be postmaster at Tioga, N. Dak. Office became presidential January 1, 1911.

OHIO.

Lucius A. Austin to be postmaster at Granville, Ohio, in place of Lucius A. Austin. Incumbent's commission expired January 31, 1911.

Joseph A. Donnelly to be postmaster at New Lexington, Ohio, in place of Joseph A. Donnelly. Incumbent's commission expires February 12, 1911.

John B. Mullie to be postmaster at Rittman, Ohio. Office became presidential October 1, 1910.

William H. Tucker to be postmaster at Toledo, Ohio, in place of William H. Tucker. Incumbent's commission expired January 29, 1911.

PENNSYLVANIA.

Ada U. Ashcom to be postmaster at Ligonier, Pa., in place of Ada U. Ashcom. Incumbent's commission expires March 2, 1911.

William W. Wren to be postmaster at Boyertown, Pa., in place of William W. Wren. Incumbent's commission expires February 28, 1911.

RHODE ISLAND.

James T. Caswell to be postmaster at Narragansett Pier, R. I., in place of James T. Caswell. Incumbent's commission expires February 28, 1911.

George E. Gardner to be postmaster at Wickford, R. I., in place of George E. Gardner. Incumbent's commission expired January 10, 1911.

SOUTH DAKOTA.

Frank E. Saltmarsh to be postmaster at Miller, S. Dak., in place of Frank E. Saltmarsh. Incumbent's commission expires March 1, 1911.

TENNESSEE.

John T. Hale to be postmaster at Trenton, Tenn., in place of John T. Hale. Incumbent's commission expired February 12, 1907.

William A. Pamplin to be postmaster at Fayetteville, Tenn., in place of William A. Pamplin. Incumbent's commission expired May 7, 1910.

William Spellings to be postmaster at McKenzie, Tenn., in place of William Spellings. Incumbent's commission expired January 29, 1910.

TEXAS.

Samuel J. Hott to be postmaster at St. Jo, Tex., in place of Samuel J. Hott. Incumbent's commission expired January 16, 1910.

John B. Schmitz to be postmaster at Denton, Tex., in place of John B. Schmitz. Incumbent's commission expired April 3, 1910.

Jacob J. Utts to be postmaster at Canton, Tex., in place of Jacob J. Utts. Incumbent's commission expired January 28, 1911.

WISCONSIN.

Robert Downend to be postmaster at Osceola, Wis., in place of Robert Downend. Incumbent's commission expires February 28, 1911.

Herbert A. Pease to be postmaster at Cumberland, Wis., in place of Herbert A. Pease. Incumbent's commission expires February 13, 1911.

James D. Strickland to be postmaster at New Lisbon, Wis., in place of James D. Strickland. Incumbent's commission expires March 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1911.

ASSOCIATE JUDGE, COURT OF CUSTOMS APPEALS.

George E. Martin to be associate judge of the Court of Customs Appeals.

UNITED STATES MARSHALS.

George H. Green to be United States marshal, northern district of Texas.

Calvin G. Brewster to be United States marshal, southern district of Texas.

SURVEYOR GENERAL OF NEVADA.

Matthew Kyle to be surveyor general of Nevada.

RECEIVER OF PUBLIC MONEYS.

Louis T. Dugazon to be receiver of public moneys at Baton Rouge, La.

REGISTERS OF LAND OFFICE.

John Franklin Nuttall to be register of the land office at Baton Rouge, La.

David J. Girard to be register of the land office at Eureka, Cal.

PROMOTIONS IN THE NAVY.

Asst. Surg. Alexander B. Hayward to be a passed assistant surgeon.

Paymaster Edmund W. Bonnaffon to be a pay inspector.

Naval Constructor Guy A. Bisset, with the rank of lieutenant, to be a naval constructor, with the rank of lientenant commander.

Second Lieut. Franklin H. Drees to be a first lieutenant in the Marine Corps.

POSTMASTERS.

ARIZONA.

Edward D. Holbrook, Silverbell.

COLORADO.

R. Lincoln Pence, Ault.

CONNECTICUT.

Leopold J. Curtiss, Norfolk.
Frank G. Letters, Putnam.

ILLINOIS.

William M. Checkley, Mattoon.

KANSAS.

John K. Cochran, Pratt.
Samuel Forter, Marysville.
William R. Jones, Hanover.
Robert D. Rodgers, Syracuse.
Lissie H. Shoup, Cimarron.

LOUISIANA.

Benjamin Deblieux, Plaquemine.
Goldman L. Lassalle, Opelousas.

MAINE.

Theophilus H. Sproud, Winterport.

MISSOURI.

John W. Ayers, Callao.
William T. Elliott, Houston.

NEW JERSEY.

Alfred M. Jones, Summit.

NEW YORK.

Warren B. Ashmead, Jamaica.
Willoughby W. Babcock, Prattsburg.
George H. Keeler, Hammondsport.
Adolph Lienhardt, Stapleton.
David G. Montross, Peekskill.
Robert Murray, Warrensburg.
Fred O'Neil, Malone.
John O. Thibault, Clayton.
Everett I. Weaver, Angelica.

NORTH CAROLINA.

Frank B. Benbow, Franklin.

PENNSYLVANIA.

J. G. Lloyd, Ebensburg.
John C. F. Miller, Rockwood.

VERMONT.

Stanley R. Bryant, Windsor.

VIRGINIA.

Robert A. Anderson, Marion.

WEST VIRGINIA.

Wilbur C. Baxter, Sutton.

WITHDRAWALS.

Executive nominations withdrawn February 8, 1911.

John T. Bolton to be postmaster at Carlsbad Springs, N. Mex.
Elmer B. Colwell, of Oregon, to be United States marshal, district of Oregon.

RECONSIDERATION.

The Senate reconsidered the vote by which the nomination of Elmer B. Colwell to be marshal for the district of Oregon was rejected on the 6th instant.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following conventions:

Concerning the protection of trade-marks. (Ex. G, 61st Cong., 3d sess.)

Relating to inventions, patents, designs, and industrial models. (Ex. F, 61st Cong., 3d sess.)

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 8, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. DWIGHT. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present, and the Chair sustains the point of order.

Mr. DWIGHT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander, N. Y.	Fornes	Langham	Rothermel
Andrus	Fowler	Langley	Sabath
Barchfeld	Gardner, Mich.	Law	Saunders
Barclay	Garner, Pa.	Legare	Sherley
Bartlett, Nev.	Gill, Md.	Lindsay	Simmons
Bates	Gillespie	Lundin	Slemp
Bennet, N. Y.	Goebel	McCreary	Smith, Mich.
Bingham	Graham, Pa.	McCredie	Snapp
Boehne	Hamill	McGuire, Okla.	Southwick
Burleigh	Hardwick	McKinlay, Cal.	Sperry
Cantrill	Hawley	McKinney	Stanley
Capron	Hayes	Maynard	Sterling
Clark, Mo.	Heald	Miller, Kans.	Stevens, Minn.
Conry	Hill	Millington	Sturgiss
Coudrey	Hinshaw	Morgan, Mo.	Swasey
Dalzell	Hobson	Mudd	Taylor, Colo.
Davis	Hollingsworth	Murdock	Taylor, Ohio
Denby	Howard	Needham	Thomas, Ohio
Denver	Howell, Utah	Palmer, H. W.	Townsend
Dickson, Miss.	Hubbard, W. Va.	Patterson	Vreeland
Douglas	Huff	Payne	Wallace
Edwards, Ky.	Hughes, W. Va.	Pickett	Washburn
Elvins	Johnson, Ohio	Poindexter	Weisse
Englebright	Keifer	Pou	Wheeler
Fish	Knapp	Rhinock	Willett
Fordney	Kronmiller	Riordan	Wood, N. J.

The SPEAKER. Two hundred and eighty gentlemen are present—a quorum.

Mr. DWIGHT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 31237) making appropriations for the Army, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. HAY. Mr. Speaker, I object.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. HUFF to withdraw from the files of the House, without leaving copies, the papers in the case of William Conner, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CLARK of Missouri, indefinitely, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 31237. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills and joint resolution of the following titles:

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 6702. An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands; and

S. J. Res. 133. Joint resolution providing for the filling of a vacancy to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10457. An act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907; and

S. 10404. An act to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed